White Paper on Kashmir

Drafted by

Dr. M. K. TENG
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JOINT HUMAN RIGHTS COMMITTEE

With Compliments

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Preface

Concerted efforts have been made in India to conceal the real import of the militant violence in Kashmir, which has during the last two years spread to the Jammu province as well. The dis- information campaign, aimed to cover the ugly face of Muslim communalism fundamentalism and separatism, in its most naked manifestations in Jammu and Kashmir, has been mainly based upon the presumptions that the Muslims in Jammu and Kashmir, were more secular than the Indian people and they were driven to rise in revolt against India by the political oppression; economic deprivation and social isolation, which India and the Hindus inside the State as well as in India perpeterated upon them.

An acute need has been felt during the last five years, that the real truth of what the militant violence is commited to and what it has wrought about in the State, is brought to the knowledge of the Indian people. Quest for Pakistan is an ideological commitment which is original to the Muslim militancy in Jammu and Kashmir. The war of attrition, which the Muslim secessionist forces are waging in Kashmir is political in content. It has also a dimension of its own and the various terrorist organisations operating in the State and Pakistan, have reiterated, time and again, that the struggle in Kashmir is a religious crusade in furthurence of the unity of the Muslim brotherhood and the realisation of its Muslim destiny. The battle in Kashmir is a divine commitment for the entire Muslim world. The Muslims, who have joined the crusade in Kashmir are the faithful and the people who resist it are the heretic enemies of the Muslim religion. The Hindus in Kashmir, with the other minorities, who formed the frontline of the resistence against the Muslim crusade, therefore, deserved the fate they have met.

The White Paper is aimed to present data and fact about the secessionist/movements in the State and their militerisation by Pakistan. It is also aimed to analyse the ideological commitments of the militant forces and the strategies the militant forces and the strategies the militant organisation have employed in their operation. The White Paper is also aimed to present description of the genocide of Hindus and their ethnic cleansing from Kashmir. An attempt has also been made in the White Paper to analyse the national response to the militant violence and the efforts of the State Government and the Government of India to provide relief to the lakhs of refugees smouldering in exile.

The Joint Human Rights Committee is indebted to the large number of researchers, who collaborated in the collection of data and facts, on which the White Paper is based. The Committee is also indebted to Dr. Sukhbir chowdry and Dr. Shashi Shekhar Toshkhani, whose valuable advice was available /it the Committee in incerely thankful to Shri Sanjeev Kumar Gupta of the Gupta Printers.

Co-Chairmen

Joint Human Rights-Commitee
for Minorties in Kashmir.

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Secessionist Movements

The present crisis in the Jammu and Kashmir State is a continuation of the Muslim struggle in India for an independent Muslim homeland, which culminated in the separation of the Muslim majority provinces of Sindh, North-West Frontier Province, and Buluchistan, the Muslim majority areas of West Punjab and East Bengal and the Muslim majority division of Sylhet of the Hindu majority province of Assam, to form the state of Pakistan. The All-India Muslim League, which spearheaded the Muslim struggle for Pakistan, claimed all the Muslim majority provinces, including the whole of the provinces of the Punjab and Bengal, along with the Hindu majority province of Assam. Among the Princely States, which were organised into a separate political organisation by the British, outside British India and which were governed by the British Paramountcy, the Muslim League claimed the Muslim majority Princely States, as well as the States which were ruled by the Muslim Princes, the former on the basis of their Muslim population and the latter on the basis of their treaties with the British Government.

The British divided India, separating the contiguous Muslim majority provinces and divisions to constitute the state of Pakistan and left the Indian States intact, restoring to their rulers, the powers which they exercised by virtue of the Paramountcy. The Indian States were not brought within the scope of the partition and with the lapse of the Paramountcy, their rulers were accorded technical independence to determine the future affiliation of their States. The last Viceroy, Lord Louis Mountbatten, who was entrusted with the task of dividing India, insisted upon the application of the partition to the States, and he told the Princes in unequivocal terms to accede to either of the two Dominions of India and Pakistan, keeping in view the geographical contiguity and the demographic composition of their States. The British had

far-reaching interests, political as well as strategic, in the Muslim crescent, which spread from Sindh, Kutch stretching along to Sinkiang, on the western fringes of China. Jammu and Kashmir State was the most vital link in the Muslim crescent, which the British, after they had withdrawn from India, would depend upon, for the protection of their interests in Asia and the security of their maritime commitments in the waterways of the Gulf, the Indian Ocean and the high seas opening into the South Pacific.

The League rejected the extension of the partition of India to the States, lest the Muslim-ruled States with Hindu majorities, were lost to Pakistan. Indeed, the Muslim rulers had lavishly funded the League movement for Pakistan and the League won the referendum in the North-West Frontier Province with the help of the huge funds, the Muslim rulers of Hyderabad, Bhopal, Junagarh and Rampur made available to the League leaders. The League leaders insisted upon the acceptance of the lapse of Paramountcy and the rights of the rulers to accede to the Dominion they considered to be in their interests.

The Indian National Congress too, rejected the application of the partition of India to the States, but demanded that the people in the Indian Princely States, a quarter of the total Indian population, inhabiting one third of the territories of India, be assured the right to determine the affiliations of their States. Except for the two large States of Kalat and Bahawalpur, which were Muslim States and fell within the geographical boundaries of Pakistan, and the major State of Jammu and Kashmir, which was situated on the borderland of both the Dominions, all the other Indian States were Hindu majority States. In the Jammu amd Kashmir State, the Hindus and the other minorities, which formed a quarter of the population of the State and the Kashmiri-speaking Muslims, who formed more than half the Muslim population of the State, were opposed to the League demand for Pakistan and had fought side by side with the All-India States Peoples Conference for the independence of a united India. The Congress presumed that the people in the States, including the Muslim-ruled States and the majority of the people in the Jammu and Kashmir State, would vote to join India. The inclusion of the Jammu and Kashmir State in the Indian Dominion, the Congress leaders anticipated, would lessen the rigours of the communal divide, the partition had caused and go a long way to consolidate the secular political organisations, India had opted for.

The British did not concede to the people of the States the right to

determine their future, and instead restored the powers of the Paramountcy to the Princes, vesting them with the power to determine the future disposition of their States. The British Government, however, made it clear to them that they would not be admitted to the British Commonwealth as British Dominions. The Viceroy, however, assured them that the British Government would consider any offer of bilateral relations the States made, perhaps leaving open the options for any State to seek British protection to remain out of India. By the time the British quit India, all the Indian States except Junagarh , Hyderabad and Jammu and Kashmir, acceded to India. The few Muslim States within Pakistan and the Hindu majority State of Junagarh acceded to Pakistan. The accession of Junagarh was shortlived, the people in the State revolted and the Nawab fled to Pakistan with fabulous treasures and his vast seralgio. A referendum upturned the decision of the Nawab and Junagarh joined India.

Right after the British withdrawal, Pakistan claimed the Jammu and Kashmir State on the basis of the Muslim majority character of its population and its contiguity to Pakistan, though the League leaders recognised the right of the Princes to determine the future affiliations of their States. In the initial phases after independence, Pakistan with an eye on the Muslim-ruled States of Hyderabad and Junagarh, conveyed to the ruler of the Jammu and Kashmir State, Maharaja Hari Singh that the Government of Pakistan would support him if the State assumed independence. The All Jammu and Kashmir Muslim Conference, which led the Muslim movement for Pakistan in the State, apparantly on the instructions of the Muslim League, openly declared its support for an independent Jammu and Kashmir State. However, immediately after the Maharaja concluded a stand-still agreement with Pakistan, the Government of Pakistan changed its tone and claimed the State for Pakistan.

Maharaja Hari Singh offered a standstill agreement to the Government of India as well. but the Government of India refused to countenance any proposals of a standstill agreement, so long the State Government would not send its accredited representatives to the Indian capital to negotiate the terms of the agreement. Hari Singh probably, weighed down by the changes the British withdrawal had brought about in India and unsure of the consequences of his accession to India waited, perhaps to seek political balances, which could retain him a measure of the prerogative he had enjoyed under the Paramountcy

As time went by, Pakistan prepared feverishly to reduce the State and the Maharaja was not unaware of what was happening around. Pakistan fomented a rebellion in the Muslim majority districts of the Jammu province against the State government, in which thousands of Hindus and Sikhs were killed and upturned from their homes. Neither Hari Singh nor the Indian leaders, who claimed their commitment to secularism and on that basis claimed the accession of the Muslim majority State of Jammu and Kashmir to India, paid any heed to the depredations, Pakistan spread in the State. Perhaps, the Indian leaders were still frightened of the British and, therefore, balanced their interests in Hyderabad, where the Nawab clandestinely sought to seek help from Pakistan to remain out of India. The Indian leaders lacked the courage to face the Nawab and the leaders of Pakistan while the British benefactors had not gone very far.

Towards the beginning of September, Pakistan army and nationals began to nibble at the borders of the State. By the end of September, they had infilterated into the sensitive border areas of the State to soften its defences. During the night of 21 October 1947, thousands of Pakistani army personnel, disguised as local Muslim and Afiridi tribesmen invaded the State. As the invading armies spread into the State, Hari Singh acceded to India. On 27 October, air-borne Indian troops arrived in Srinagar in the morning. Hari Singh transferred the state power to the National Conference two days after.

Though the British had withdrawn from India they still cast their shadow on the Indian freedom. Inspite of the accession of the State to India and the military operations India launched against the invading armies, Pakistan truimphed. The intervention of the United Nations, which India had invoked against the aggression of Pakistan, ultimately led to a cease-fire in hostilities leaving a large part of the State, including the districts of Mirpur and part of Poonch along with the Poonch Jagir in the Jammu province, and the district of Muzzafarabad and a part of the district of Baramulla in the Kashmir province, the entire district of Baltistan, the district of Gilgit and the Gilgit Agency, with all the Dardic dependencies, under the occupation of Pakistan.

Had the Government of India resisted the pressure to allow Pakistan to occupy a part of the territories of the State, Pakistan would have been denied the base, inside the State, which it effectively used to deepen the uncertainity, the cease-fire had created, and destabilize the Indian positions in the State.

The occupation of a large part of the State provided Pakistan logistic advantage and in linking up its political interests in the State with the strategic interests of its Western allies to neutralise Soviet influence all along, from Afghanistan to the western most fringes of China in Sinkiang. Ayangar, who represented India in the United Nations had little experience of diplomacy and lacked the diplomatic background, to deal firmly with the Security Council. Sheikh Mohammad Abdullah, who was specially deputed by Jawaharlal Nehru to argue for India took pains to convince the Security Council of the sincerety with which India had come to the rescue of the Muslims in the State, to save them from the Muslims of Pakistan. Quoting scriptures, Sheikh Mohammad Abdullah, made strenuous efforts, to prove that he and the Muslims in the State were more Islamic than the Muslims of Pakistan and it was precisely for that the Indian Dominion had gone to the help of the Muslims of the State.

As Pakistan consolidated its hold on the occupied territories, it went back on its commitments on demiliteraisation, refused to withdraw its troops from the occupied territories and claimed a parity in the deployments of the troops with the strength of the Indian army, which it had agreed would remain in the State for its defence. Pakistan insisted upon the retention of thirty thousand Muslim militia, which it claimed, had been raised in the occupied territories. The militia was actually a part of the regular force, which Pakistan had orgainsed from the Muslim deserters of the Dogra army, Muslim ex-servicemen of Mirpur, Poonch and Sudhunti, who were demoblised from the British imperial troops after the end of the Second World War and recruits from the adjoining districts of Pakistan, who had brought up the rear of the invasion into the State and tasted blood and booty in their adventure.

While Pakistan launched a propaganda campaign charging India of having usurped the freedom of the Muslims in Kashmir and demanded a plebiscite to determine the future of the State, it entrenched itself in the occupied territories. A local government called 'Azad Kashmir Government' was established in the occupied territories, ostensibly to conduct their administration. The invading army had already wiped out the Hindus and the Sikhs from the occupied territories, around thirty thousand of them had been exterminated in the invasion and more than a hundred thousand, who had survived, had been thrown back into Srinagar and Jammu. Incidently, it will be of interest to note that these displaced persons are still awaiting rehabilitation in the State, though

Muslim refugees from wherever they have come into Kashmir, Sinkiang, Tibet or even Azad Kashmir, have been settled in Kashmir with hereditary State Subject rights.

In a short time, Pakistan converted the occupied territories into a citadel of Muslim crusade against India, dedicated to the liberation of the State from the Indian dominance and the unification of the Muslims in the State with their brethren in Azad Kashmir, within the Muslim homeland of Pakistan. Pakistan adopted a three-pronged strategy to destroy the Indian support-base in the State:

(i) to reorganise the cadres of the Muslim Conference, who had supported the League demand for Pakistan and who had provided tactical support to the invading armies, and who were still active all over the State and the Muslim middle class factions, along with the sections of Muslim burareaucracy which had opposed the accession of the State to India, into a widespread and powerful movement for the disengagement of the State from India;

(ii) to establish a widespread network of its intelligence agencies in the State to coordinate the activities of the anti-India Muslim elements and organisations in the State, organise infiltration of pro-Pakistan cadres into the political organisations which supported accession of the State to India and sabotaged these organisations from inside, provide finances and other material help to induct their agents into the State Government to capture its decisional units;

(iii) to launch a propaganda campaign addressed to the Muslims in the State to organise them against India on the ground that

(a) Muslims in Pakistan and the Jammu and Kashmir were one nation imbibed by Islam and since the Muslims in the State were a majority, the State rightfully formed a part of the Muslim homeland of Pakistan;

(b) Pakistan was a Muslim State based upon the law and precept of Islam which accepted the preeminence of the Muslims in its social, economic and political organisation;

(c) India was a Hindu nation and the Muslim majority in

Kashmir would be subjugated to the dominance of Hindus;

(d) commitment to secularism was unIslamic because Muslims could not accept equality between the Muslims and the people who did not profess Islam;

(e) the National Conference which supported the accession of the State to India, aimed to divide the Muslims and weaken them;

(f) The Hindus in the State, particularly the Kashmiri Pandits, were ceaselessly working to perpetuate the con solidation of the Indian forces in the State in order to perpetuate Hindu rule over the Muslims and it was, therefore, necessary to isolate them socially as well as exclude them from the economic organisation of the State and the processes of its government and politics.

Inside the State, the cadres of the Muslim Confernce, who had been considerably subdued after the accession of the State to India, the volunteers of the Muslim Guard, who had been organised in both the provinces of Jammu and Kashmir during the fateful days which followed the transfer of power in India in 1947, the cadres of the smaller Muslim organisations which supported the accession of the State to Pakistan, the Muslim intellectuals and middle class factions, including the sections of bureaucracy which opposed the accession of the State to India and a section of the Muslim leaders and cadres of the National Conference, which disapproved of the accession of the State to India, organised themselves into a closely-knit and widespread movement for the disengagement of the State from India and its merger with Pakistan. With active political support and enormous funds received from Pakistan, the Muslim movement against India, widened its reach rapidly. The claim to a separate Muslim nation which was not subject to the dominance of the Hindu majority in India, and which was committed to the ideas of the Muslim brotherhood and Islamic law, had a far reaching effect on the Muslims in the State. The Muslims could achieve ascendance in a State which was Muslim in majority and outlook. The secular organisation of India, which underlined the equality of all people irrespective of their religion could not be reconciled to a Muslim state, which in principle accepted the pre-eminence of the Muslims in all social, economic and political forms. In the Muslim homeland, Muslim precept would prevail over all other religions and social forms which would be subject to

Islamic law and injunction. Since the United Nations had opened fresh options for the Muslims in the State to exercise in respect of its final disposition, the Muslims could repudiate accession to India and join the Muslim nation of Pakistan.

The response of the National Conference leadership to these events was pathetically sterile. In due course of time, while the Conference leaders consolidated their hold on the state power, they adopted almost the same ideological prepositions which formed the basis of the secessionist movements in the State. The Conference leaders sought to create a Muslim State within India, placed outside the Indian constitutional organisation. A Muslim State, the Conference leaders believed, would ensure the Muslims of Jammu and Kashmir, a political organisation which was based upon the Muslim majority character of their population in the State and their pre-eminence in the society, economic organisation and the government of the State. The Conference leaders conveyed to the Government of India, in unmistakable terms, that:

(i) Muslims of Kashmir required to be ensured a separate and independent political organisation to protect them from the dominance of the Hindu majority in India;

(ii) the political organisation of the State could not accept secularism as its basis, because secularism was not reconcilable to Muslim precedence;

(iii) the State of Jammu and Kashmir could only be organised on the basis of the Muslim religious precept which accepted the pre-eminence of the Muslims;

The Conference leaders conveyed to the Government of India that the Muslims in the State would support accession to India, only if they were guaranteed a separate state, in which they were not subject to the dominance of the Hindu majority in India and which recognised their religious precedence, throwing its own ideological commitments to secularism to the winds. The Government of India agreed. Secularism was restricted to Hindu India; the Muslim majority State of Jammu and Kashmir could not be integrated in a secular India, because Muslim precedence could not be reconciled with the right to equality, which formed the basic postulate of the Indian constitutional organisation. The separate political organisation of the State was embodied in Article 370 of the Constitution of India.

The Muslim League had also fought for the separate Muslim homeland of Pakistan to save the Muslim nation in India from the dominace of the Hindu majority and the establishment of a Muslim political organisation which was based upon the religious precedence of the Muslims. Why had the National Conference, which also was committed to similar ideological postulates, opposed the Muslim League demand for Pakistan? The contradictions in the outlook of the Conference, broke it up quicker than expected. The high propaganda of religious indoctrination poured into the State from across the cease-fire line and widespread pro-Pakistan underground in the State accelerated the process. The final denouement came in August, 1953, when the Interim Government headed by Sheikh Mohammad Abdullah was dismissed.

II

ARTICLE 370

Maharaja Hari Singh, the ruler of the Jammu and Kashmir State, acceded to the Indian Dominion on the terms and conditions envisaged by the Instrument of Accession which was drawn by the States Ministry of the Indian Dominion. Hari singh signed the standard Instrument of Accession, which the rulers of other acceding States haa signed earlier and he bound himself to the same obligations, which the rulers of the other Indian States had accepted. There was no condition attached to the accession of the State to India, which provided for any separate set of constitutional relationships between Jammu and Kashmir and the Dominion of India. All the acceding States and Unions of the States, Jammu and Kashmir being no exception, were reserved the right to convene their own Constituent Assemblies to draw up the constitution for their respective, governments. Indeed, Constituent Assemblies were instituted in Mysore State and the Surashtra States Union.

Sheikh Mohamad Abdullah and the other National Conference leaders were in jail when India won freedom and were released from imprisonment months after the British had left. After their release the Conference leaders laid no conditions for the accession of the State to India which they supported, except that they demanded the transfer of State power to the people, a process to which the Indian Government was equally committed. The claims made by several State leaders as well as

many national leaders that National Conference had endorsed the accession of the State to India on the condition that Jammu and Kashmir would be constituted into a separate and autonomous political identity on the basis of the Muslim majority character of its population, is a distortion of history. The Conference leaders did not lay claim to any immunity from the future Constitution of India, ncr did Nehru or any other Indian leader give any assurance to the ruler of the State or the Conference leaders, about any special constitutional position, Jammu and Kashmir would be accorded in the Indian federal organisation.

The Instrument of Accession was evolved by the Secretary in the State's Ministry of the Government of the Indian Dominion, V.P. Menon in consultation with the Viceroy, Lord Mountbatten, and with the approval of the State's Minister, Sardar Patel. The lapse of Paramountcy had reduced the Princes to mere shadows of the royality, they were, during the British rule. The powers they exercised in their States were enforced by the British authority, and after it was withdrawn, they were left to the mercy of the State's people, who had all along the liberation struggle of India, committed themselves to the independence of India from the British rule and unity of the people in the British India and the Indian States. The States people inhabited one-third of the Indian territory and formed one fourth of the population of India.

Lord Mountbatten as well as V.P. Menon were interested in the protection of the Princes for their own reasons. They enacted the long and atrocious drama of the integration of the States, to secure the Princes, the powers and privileges they had enjoyed under the protection of the Paramountcy. Menon persuaded Patel to accept the accession of the States on the basis underlined by Cabinet Mission, thus leaving the Princes in possession of all the powers of the government, except defence, foreign affairs and communications. Accordingly, the Princes were invited to accede to the Indian Dominion and delegate to the Dominion Government, powers in respect of defence, foreign affairs and communications, leaving the residuary powers for them to administer. The demonstration effect of the Indian offer to the Princes was so profound that the State's Minister of Pakistan, Sardar Abdur Nishtar, proposed to accept the accession of the States on two subjects only i.e. the defence and foreign affairs, leaving communications as well as state troops, within the control of the States.

The integration of the States into viable administrative units proved more difficult than anticipated and the institution of the Constitu-

ent Assemblies in the States was also delayed. In May 1949, the Premiers of the State's took a stupendous decision in a Conference at Delhi, in which the Negotiating Committee of the constituent Assembly participated and entrusted the Constituent Assembly of India, the task of drawing up the Constitution for the States. The Jammu and Kashmir did not accept the decision arrived in the Premiers Conference and expressed its preference to convene a separate Constituent Assembly to draft a separate constitution for the State. Consequently, a separate meeting was held on 14 May 1949, in Delhi between the representatives of the State Government and the representatives of the Constituent Assembly in which Sheikh Mohd Abdullah, Nehru and Patel participated. In the meeting the Conference leaders blankly refused to accept the inclusion of the State in the constitutional organisation of India. They told the Indian leaders, in veiled words, that they favoured a separate constitutional organisation for the State in view of the Muslim majority character of its population which they feared would be subjected to the dominance of the Hindu majority in India. They proposed the retention of the Instrument of Accession as the basis of the constitutional relationship between the Union and the Jammu and Kashmir, till the Constituent Assembly of the State evolved a fresh structure of constitutional imperatives to replace the existing relations.

The Indian leaders did not approve of the exclusion of the State from the constitutional organisation of India and emphasised the paramount importance of bringing the States within the scope of the framework of the rights and legal Safegaurds as well as the principles of State policy, the Constituent Assembly had devised. Nehru, told the Conference leaders that the safeguards for the rights and the principles of State policy had been evolved by the Constituent Assembly with great pride and there could be no reason to deprive the people of the State of the protection, the Constitution of India envisaged. In words, laiden with considerable emotion, he stressed that all people of India would be governed by a uniform set of constitutional postulates and people of any province or any acceding State would not be denied any rights and safeguards for equality, liberty and freedom, the objective Resolution adopted by the Constituent Assembly embodied. He readily agreed to modify the scheme of the federal division of powers, the Constituent Assembly had evolved, in respect of Jammu and Kashmir and accepted to reserve a wider orbit of powers, including the residuary powers for the State Government. In the scheme of the federal division of powers, the Constituent Assembly had evolved, the residuary powers were vested

with the federal government.

After protracted negotiations, an agreement was finally reached between the State leaders and the representatives of the Constituent Assembly which underlined the inclusion of the State in the basic structure of the Indian Constitution and the application of the provisions of the Constitution of India to the State pertaining to the territorial jurisdiction of the Union of India, Indian citizenship, rights and related constitutional safeguards, principles of State policy, and the jurisdiction of the Supreme Court. It was agreed upon that the Constituent Assembly of the State would be empowered to determine the future of Dogra rule and specify, with the approval of the President of India, any further extention of the provisions of the Constitution of India to the State. To avoid any fresh controversy over the agreement, Nehru sent a rejoinder to Abdullah, specifying clearly the stipulation on which the agreement was reached.

The agreement was, however, shortlived and the Conference leaders resiled from their commitments after they returned to Srinagar. The issue came to a head when Gopalaswamy Ayanger draw up the draft constitutional provisions for Jammu and Kashmir and sent them to the Conference leaders for their approval. The draft provisions were based upon the stipulations of the agreement reached in the Delhi conference. After a short spell of silence and close door deliberations, the National Conference leaders placed the draft provisions before the Working Committee of the Conference. The Working Committee promptly turned down the draft provisions. Sheikh Mohamad Abudullah sent an alternative draft to Ayangar, which envisaged the complete exclusion of the State from the constitutional organisation of India. He proposed that the federal relations between the State and the Union be determined by the provisions of the Instrument of Accession. The Conference leaders expressed strong reservations about the application of the fundamental rights and related constitutional guarrantees and the jurisdiction of the Supreme Court to the State, on the ground that the fundamental rights embodied in the Constitution of India conflicted with the policies of the National Conference, committed to radical social and economic reforms. Gopalaswamy Ayangar, labouring under the impression that the Conference leaders would accept his proposals if he left out the fundamental rights and related guarrantees, drew up a fresh draft, in which reference to the fundamental rights, constitutional guarrantees and the federal judiciary, was altogether omitted. To his utter consternation, the Confer-

ence leaders rejected the modified draft as well. They refused catagorically, to accept the application of any provisions of the Constitution of India to the State. Ayangar, who had served Maharaja Hari Singh, during the most fateful years of the history of Kashmir, did not realise the grave consequences of keeping Jammu and Kashmir out of the scope of the rights and related judicial safeguards the Constitution of India envisaged for the Indian people. He was unmindful of the incalculable harm, the fateful change he had made in his proposals, would do to the minorities in the State.

Ayangar made fresh efforts to arrive at an agreement with the Conference leaders who refused to accept any provisions of the Constitution of India, including the provisions which described the territorial jurisdiction of the Union. The Conference leaders were invited to Delhi, the Indian capital, for talks and Nehru joined the parleys. Nehru distrusted the demand of the National Conference leaders for a separate constitutional organisation of the State which did not form a part of the Indian republic and he strongly pleaded with the Conference leaders to abandon their abduracy. He refused to approve of any constitutional arrangement, which forced the exclusion of the State from the basic structure of the Constitution of India. The Conference leaders refused to relent and at one stage they broke off the negotiations and threatened to resign from the Assembly. They sulked away closing themselves up in the Kashmir House, the old mansion, built in the Indian capital, by Maharaja Hari Singh.

Nehru and the other Indian leaders were caught in between the devil and the deep sea. They could ill-afford to estrange the Conference leaders at a time when the United Nations intervention, interestingly, invoked by India against the agression of Pakistan, had put the India Government on the cross-roads. Without the support of the Kashmiri speaking Muslims, who formed the main support base of the National Conference, India had little hope to win the proposed plebiscite in the State. Nehru was under pressure of the Security Council to implement the demiliterisation of the State to prepare the ground for the induction of the plebiscite administration into the State. He quitely relented and sent Ayangar to assure the Conference leaders that the Government of India would not press them to accept the inclusion of the State into the constitutional organisation of India.

Gopalaswamy Ayangar drew up a fresh draft in consultation with Mirza Afzal Beg, a close associate of Sheikh Mohammad Abdullah and

one among the Conference leaders, who was not favourably disposed towards the accession of the State to India. The new proposals envisioned the exclusion of the State from the Indian constitutional organisation. The revised draft-provisions were incorporated in Article 306-A, of the draft Constitution of India. A last minute controversy cropped up between Ayangar and the Conference leaders when the draft Arcticle 306-A, came up for consideration in the Constituent Assembly. The Conference leaders demanded the inclusion of the provisions in the draft Article 306-A which recognised the Interim government of the state as a government in perpetuity. Many prominent members of the Constituent Assembly pointed to Ayangar the anamolous situation, the recognition of a government in perpetuity would create. They advised Ayangar not to accept the position taken by the Conference representatives. Accordingly, when Ayangar conveyed his inability to the Conference leaders to incorporate provisions envisaging a government in perpetuity, they reacted in anger. They again sulked away and did not join the proceedings of the Assembly till Ayangar had delivered half of his speech on the draft Article. Inside the Assembly they sat glum and did not utter a word in support of the draft provisions. Beg had informed Ayangar that he would move an amendment to the draft provisions. Ayangar watched the proceedings with concern as any controversy between the Indian Government and the Conference leaders in the Constituent Assembly, was bound to have a deep impact on the Indian stand in the United Nations. Nehru was in the United States and perhaps, he expected the Conference leaders to make spirited statements in the Indian Constituent Assembly, commending the accession of the State to India as well as the way Indian Constituent Assembly had accomodated a Muslim majority State in the Constitutional framework it had evolved for the Princely States. Beg did not move the amendment. The draft provisions of Article 306-A were adopted by the Constituent Assembly without any dissent.

Immediately after the proceedings of the day were over in the Constituent Assembly, Beg wrote to Ayangar demanding the annulment of the Article 306-A, failing which he threatened to resign from the Assembly along with the other representatives of the State. Ayangar was stunned. Nehru was abroad in the United States. As he could hardly help to reverse the decision of the Assembly, he wrote back to Beg plaintively not to resign and wait for Nehru's return. The Conference representatives did not resign.

Article 306-A was renumbered Article 370 at the revision stage. Jammu and Kashmir State was included in the First Schedule of the Constitution of India which described the territories of India. No other provision of the Constitution of India was extended to Jammu & Kashmir. An explict limitation was placed on the application of the Constitution of India to the State, except in regard to the provisions of the Seventh Schedule corresponding to the subjects by the Instrument of Accession to the Indian Dominion. Accordingly, the power of the Union in respect of Jammu and Kashmir were limited to the subjects in the Instrument of Accession viz. foreign affairs, defence and communication.

Article 370 of the Constitution of India envisaged provisions which stipulated (a) limitations on the application of the Constitution of India to the State, (b) the division of powers between the Union and the State, (c) extension of the provisions of India to the State, (d) modification and termination of the operation of Article 370, and (e) the institution of a separate Constituent Assembly for the State. The only part of the Constitution of India which was extended to the State independent of Article 370, was the First Schedule of the Indian Constitution, which described the territorial jurisdiction of the Indian Union. Jammu and Kashmir was listed in the First Schedule and included in the territories of India. As a matter of fact, the State was included in the First Schedule, in consequence of the Instrument of Accession executed by the Ruler of the State which accomplished the irrevocable integration of the State in the Dominion of India. The territorial jurisdiction of the Indian State was created by the Independence Act of 1947, and Instruments of Accession executed by the rulers of the erstwhile Princely States. The Constitution of India described the territories of the Indian State, constituted by the transfer of power to the Indian Dominion on 15 August 1947 and the accession of the States, that followed in due course. The inclusion of the State in the First Schedule of the Constitution of India actually placed it alongside the other Princely States which had acceded to India.

The accession of the States involved the consent of the States to join either the two Constituent Assemblies which had been created after the partition was accepted. The Cabinet Mission underlined the adherence of the States to a United India and their participation in the Constituent Assembly of India which was convened long before the partition was envisaged and put into effect. The participation of the States in the Constituent Assembly of India was, a consequence of the

accession of the States. The accession of the States, brought about the irrevocable unification of the Princely States with the State of India, irrespective of whether they accepted to become a part of any future constitutional organisation of India. The integration of Jammu and Kashmir into the State of India was, therefore, brought about by the accession of the State to India and not by Article 370.

The Constitution of India did not constitute the State of India. In fact, the Constitution of India was only decleratory of the state of India. The Indian State existed prior to the Constitution of India, and it would not be dissolved if the Constitution of India was abrogated nor would the Jammu and Kashmir fall apart if Article 370 was rescinded.

Had Article 370 not been incorporated in the Constitution of India, the Jammu and Kashmir would have been placed in the constitutional organisation of India in the same manner in which the other federating States, grouped into Part B States, were placed in the constitutional organisation of India. The limitation imposed by Article 370 explicitly restricted the application of the Constitution of India to Jammu and Kashmir. Article 370 was by no means an enabling act. There was only one enabling instrument which the Indian Independence Act created and that was the Instrument of Accession. The participation of the States in the Constituent Assembly of India was an inevitable consequence of the accession of the States. The oft-repeated assertion that Article 370 was an enabling act, was politically motivated and used by successive State governments to perpetuate the unrestricted power to rule by decree, vested in them, by Article 370.

Evidently, Article 370 was not in any way connected with the so-called autonomy of the State. Infact, it placed the State outside the federal structure of India, the federal division of powers between the Union and the States and the jurisdiction of the federal judiciary, including its power of judicial review, which guarranteed the autonomous identity of the States in India. Autonomy for the Indian States could only be visualised within the Indian federal structure and not outside the division of powers, it envisaged.

Provisions were incorporated in Article 370 for convocation of a separate Constituent Assembly for the purpose of drafting the Constitution of the State. The stipulations of Article 370, in regard to the Constituent Assembly of the State, left no doubt about the fact that the Constituent Assembly of the State was a creature of the Constitution of India and drew its powers from the same source.

Several of the Conference leaders claimed plenary powers for the Constituent Assembly. The issues they raised were more involved and perhaps they did not accept that the institution of the Constituent Assemblies in the erstwhile Princely States, followed as a consequence of the accession of the States to the Indian Dominion.

The claim of the Conference leaders to plenary powers for the Constituent Assembly, which in the following years became the bane of a serious controversy between the National Conference and the Indian Government had a subtle and dangerous import. Plenary powers would vest in the Constituent Assembly a veto not only on all constitutional relationships between the Jammu and Kashmir State and the Union of India, but also on its accession to India.

Article 370 was included in the transitional provisions of the Constitution of India and was therefore, presumed to be of transitory nature. Indeed provisions were incorporated in Article 370 by virtue of which the President of India was empowered to modify or terminate the operation of its provisions by a notification, provided recommendations to that effect were made by the Constituent Assembly of the State. The President was empowered to extend tthe opplication of the provisions of the Constitution of India to the State by an order issued by him in concurrence with the State government. Presumably the temporary provisions, envisaged by Article 370, were meant to remain in operation only so long as the Constitutent Assembly of the State completed its task. Evidently, the founding fathers of the Indian Constitution could not have visualised a perpetual Constituent Assembly for the State.

III

INTERIM GOVERNMENT

Immediately after the accession of the State, an Emergency Administration was constituted by the National Conference to help the State Government to meet the emergency created by the invasion. In March 1948, the Emergency Administration was dissolved and replaced by an Interim Government which was vested with all the authority to conduct the administration of the State. The Interim Government was constituted by the National Conference and headed by Sheikh Mohammad Abdullah.

The induction of the Interim Government virtually brought the

autarchy of the Dogra rulers to its end, and marked the beginning of a more pernicious era of servitude and oppression for the Hindus in the State. The Interim Government which ruled the State by ordinance and governed the State for almost a decade, enforced Muslim precedence in the government, society and the economic organisation of the State.

The Interim Government ordered the resumption of all landed estates and Jagirs and the imposition of ceilings on land holdings, without compensation, to socialise all production in land. The Interim Government, further ordered the nationalisation of industry, communications and transport and all commercial enterprise in order to establish a classless society in the State, which the National Conference claimed, was envisaged by the manifesto of the Conference, the 'New Kashmir'. However, though the land reforms were applied to the Muslims and the Hindus in Jammu with equanimity, and they were secured, land which they retained within the postulated ceiling of 21 acres, the Hindus in Kashmir, including the Kashmiri Pandits were dispossessed of all their landed possessions by a campaign of land grab which the National Conference cadres carried on with the help of the administrative agencies now under their complete control. Legal redress claimed by the Hindus for the restoration of their rights in land was denied to them and most of the cases filed by Hindus in the concerned tribunals and the revenue authorities were hung up, forcing most of the claimants to abandon their lands

The nationalization of industry, communications and transport and various commercial enterprises, which the National Conference emphatically claimed, would usher in the State a classless society, was also used to dissolve whatever property interests the Hindus possessed. Special license systems were devised to recanalise financial resources and state patronage to enable the Muslims, whose property interests had been deliberately saved from the nationalization, to establish industries and private transport, organise private trading and purchase immovable property in commercial enterprises. State-sponsored marketing agencies were formed, ostensibly to exclude the middlemen, but in actual practice, to provide facilities to Muslim enterpreneurs to monopolise trade and commerce of the State. By the time the Interim Government was dissolved in 1953, a new Muslim middle class had replaced the socialism the National conference had set out to achieve at the cost of the Hindus.

While the process of the dispossession of the Hindus from their

property was being carried out, a widespread campaign of removing Hindus from the State services was undertaken. ostensibly to liberate the State from the Hindu mercenaries of the Dogra regime and allegedly to correct the communal imbalances. the Dogras had engendered in the administrative organisation of the State. In the 'New Kashmir' manifesto, the National Conference had committed itself to the right to equality and right to protection against discrimination on the basis of religion. "The equality of all rights of all citizens", the New Kashmir Manifesto stated, "irrespective of their nationality, religion, race or birth in all spheres of national life, economic, political, social, shall be an irrevocable law". The Interim Government was law unto itself; it cast overboard all the commitments of the National Conference to secularism and New Kashmir and insisted upon the restructurisation of the State Government in accordance with population proportions, to ensure the Muslim majority its place of precedence in the administration of the State. Besides arbitrary removal of the Hindus from the State services, the Interim Government imposed a virtual embargo on the recruitment of Hindus to all employments in the State.

The ruthless communalisation of the framework of the society and the state which the Interim Government undertook to accomplish, was extended to the admission of the Hindus and the other minorities to educational institutions as well. A limitation was placed on the entry of the Hindus and other minorities to the educational institutions and nominations made by the State Government to the technical trainings and the grant of scholarships. Quotas were fixed for the Hindus and the other minorities for admission to educational institutions on three different criteria in the three regions of the State : in the Kashmir province where the Hindus and the other minorities constituted 9 percent of the population, quotas were fixed according to the proportion of their population. In the Jammu province, where Muslims formed a small minority of the population, special quotas for their admission were fixed on the basis of their economic and educational backwardness. In the Ladakh region, the Buddhists were excluded from all quotas, eliminating them completely from the reservations for admissions to the educational institutions made on the basis of educational backwardness. In an unabashed self conceit the Interim Government applauded its efforts to communalise the society in the State, a process which ultimately led to the emergence of Muslim extremism in the State.

The economic strangulation of the Hindus in Kashmir, particularly their exclusion from the government and administrative

processes and the restrictions placed upon their admissions to educational institutions had a devastating effect on them. The policy of communal precedence was vigourously followed by successive State Governments and the Hindus continued to suffer almost to the present day, the ravages which communal precedence wrought in the entire State. In Kashmir, the Hindus, gradually abondoned their homes and migrated to the other parts of India in search of their livelihood. More than two lakhs of Kashmiri Hindus were compelled to migrate to Jammu and the other parts of India.

The fate of the displaced Hindus and other minorities from the territories of the State, occupied by Pakistan, turned to be worse. They were never rehabilitated in the State, though fairly large evacuee properties and land, left behind by the Muslims who went over to Pakistan or the occupied territories of Azad Kashmir, were retained by the Government as a closely guarded possession for a long time, and then surreptitiously made over to Muslims and their religious trusts, leaving the Hindu refugees high and dry. This happened inspite of the fact that all properties belonging to the Hindus and the Sikhs, their religious places and endowments, left behind in the occupied territories, were appropriated by the Muslims. Most of the religious places in the occupied territories of Azad Kashmir were razed to ground or converted into more mundane places of occupation.

Far more worse was the fate of the Hindus and Sikhs who had fled from the Punjab and who were given refuge by the Maharaja's Government in 1947. They are still living in the State as refugees. They are reckoned out of the population of the State. In contrast, the Muslim refugees from Tibet, who claimed to have left Kashmir about two centuries earlier and settled in Tibet, the Afghan refugees, who trickled into Kashmir after the end of the second world war, and thousands of Muslims, who sneaked from the occupied territories of "Azad Kashmir", the terrtories occupied by Pakistan, into the border districts of the Jammu province in the aftermath of the conflicts between India and Pakistan in 1965, and 1971, were quietly resettled in the State. It is of interest to note that the Tibetan refugees and the Afghan settlers have provided considerable cadres to both the Jammu and Kashmir Liberation Front and the military arm of the Jamaiti-Islami, the Hizibul Mujahidin, and a sizable section of the hardcore of the subversive forces, operating in the Muslim majority districts of Jammu, is drawn from the recent Muslim settlers from the occupied territories of Pakistan.

The process of Muslimisation undertaken by the Interim Government evoked sharp reaction from the Hindus in the State. The distrust sunk deeper after the Interim Government secured the exclusion of the State from the constitutional organisation of India, which the Hindus perceived as the first step in the direction of reconstituting the State into a Muslim political organisation, independent of India. The later events proved that their fears were not unfounded; only two years after its institution, the Interim Government, began to look out for help to extricate the State from the Indian fold. For vested political interests, much has been said to whitewash the truth.

That the Interim Government was dismissed at the back of Nehru, is not true. On 6 August 1953, only three days before the Interim Government was dismissed, Maulana Syed Masoodi, the General Secretary of the National Conference called upon the people of India to recognise the claim of the Muslims in the State to their independence. The statement read :

> The real issue, it should be realised, is that there are people in India, who are not prepared to see Kashmir maintain its existing position. They are angry that Kashmiris should remain aloof both from India as well as Pakistan; one should not work oneself up necessarily to see this view being expressed. Instead, it should be examined dispassionately. Then only can there be possible, a correct appraisal of the situation in Kashmir. If Kashmiris rose as one man against Pakistan, it was because they saw that, that country wanted to force them into a position which they were not prepared to accept. If today demands are made in India which endanger the present autonomous position of the State and realising this danger, the people of Kashmir feel inclined towards a third alternative, it is not they who should be blamed for it but those who are the root cause of it.

The Maulana added :

> All those people in India, who are honestly interested in Kashmir and India, thrive together on the basis of a willing, not forced, association,should come into the field and organise the Indian public opinion against movement for the merger of the State.

Maulana Masoodi conveyed in veiled terms that equidistance from India and Pakistan alone ensured the Muslims in the State, a political organisation which was based upon their communal precedence in its political organisation. Masoodi claimed that since the

Hindus, the Sikhs and the Buddhists, whom he lumped together as the "communal forces" and who formed almost forty per cent of the population of the State, sought the integration of the State into the constitutional organisation of India, the Muslims had a divine right to adopt an alternative to the accession of the State "a third alternative": that of the independence of the State.

The Indian leaders had depended upon the National Conference and its leaders in their struggle against Pakistan. They had rejected the application of the partition of India to the States, and accepted the accession of the Jammu and Kashmir to India, to neutralise the effect of the partition in India and reconstruct the Indian States into a secular political organisation, in which people of all faiths were integrated on the basis of equality and protection against discrimination on the basis of religion, caste or class. The National Conference strongly supported the secular integration of the Indian Muslims in the political organisation of India and vigorously opposed all political movements in India, which supported communal precedence of the Hindu majority in India. However, the Conference leaders guarded jealously the communal character of the political organisation they sought to forge in the State, which accepted communal precedence of the Muslims as its essential basis. They insisted upon the exclusion of the State from the political organisation of India to safeguard the Muslim majority character of the State and the communal precedence of the Muslims in its society and politics. Jinnah had sought guarantees from the British for a separate Muslim homeland, in which the Indian Muslims would be absolved from the Hindu majority dominance. Sheikh Mohammad Abdullah sought to use the United Nations intervention in the dispute over the accession of the State, to secure a separate homeland for the Muslims of Jammu and Kashmir.

IV

THE PLEBISCITE FRONT

The Muslims denounced the dismissal of Sheikh Mohammad Abdullah and the dissolution of the Interim Government in 1953, and charged India of a conspiracy to deprive them of their right to determine the future disposition of the State in regard to its accession in

accordance with the resolutions of the Security Council to which they claimed, both India as well as Pakistan were committed.

Once again the Muslims had trimphed. The Indian leaders. who had applauded the National Conference as the harbinger of a new era of communal amity which transcended the narrow claims to Muslim irridenticism the Muslim League had used to divide India, were defeated and face to face with a reality which was as harsh as the partition of India. The Muslims in the Jammu and Kashmir State demanded their right to secede from India and join Pakistan.

The entire pro-Pakistan Muslim underground which had refurbished its strength considerably while uncertainty deepened in the State, the cadres of the erstwhile Muslim Conference, the new Muslim middle class and the pro-Pakistan Muslim bureaucracy along with the dissident cadres of the National Conference, who had opposed the accession of the State to India and broken away from the Conference earlier, joined the leaders and the cadres of the National Conference in their upsurge against the dissolution of the Interim Government. The vast network of the Pakistan's intelligence agencies, which was by now entrenched deep in the State, provided political direction and material help to the Muslim movement.

The Hindus and the other minorities, all over the State, pledged their support to the second Interim Government constituted of the remanants of the National Conference and headed by Bakhshi Ghulam Mohammad. In Srinagar, the underground combine of the cadres of the National Conference and the pro-Pakistan Muslim factions paralysed life . While the Muslim supporters of the second Interim Government did not dare to come out of their homes, the Kashmiri Hindus took to the streets demonstrating their loyality to India and their support for the second Interim Government. The open defiance of the Hindus against the Muslim reaction, indeed, provided the foreground for the political initiative, the second Interim Government took to combat the disruption and violence which followed the dissolution of the first Interim Government.

The patriotic zeal with which the Kashmiri Hindus fought back the mounting Muslim opposition to India, earned them nothing except the rancour and hostility of the rank and file of the National Conference which arraigned itself behind the powerful pro-Pakistan Muslim underground factions. In fact, the Kashmiri Hindis were never forgiven ever

after, for having risen in support of India against the will of the Muslims Little did the Kashmiri Hindus know that decades ,gunfire in the Muslim crusade against India.

The Indian leaders had no alternative except to repndiate their commitment to a plebcisite in the State and they withdrew it ultimately. But they did not abandon the farce they played in Kashmir and like hapless puppets, acted to promote more vigorously the Muslimisation of the society and the government of the State. The second Interim Government, after it had stabilised itself, began to consolidate its hold on the Muslim ranks of the National Conference by a more fervent policy of communal precedence which strung the Hindus particularly in the Kashmir province, in a tighter noose. The left flanks of the National Conference which accused Sheikh Mohammad Abdullah of having conspired with imperialism to secure the independence of the State and convert it into a hotbed of international intrigue, and which assumed much prominence in the power structure of the second Interim Government, supported all political action aimed to secure the communal precedence of the Muslim majority in the State. Many of the left idealogues, most of them claiming the intellectual tradition of Marxism, rationalised Muslim communal precedence by logical reductionism, which virtually tantamount to the identification of religious precedence with resurgence of the oppressed masses.

Pakistan, which had during the tenure of the first Interim Government spared no efforts to subvert the national Conference, and in which it had succeeded, put itself solidly behind the Muslim upsurge in the State, which followed the disintegration of the National Conference in 1953. The British were no longer the masters in India and the Security Council could not enforce the demand made by the Pakistan and the Muslims in the State for a second partition of India. No lessons were lost on Pakistan. Immediately after the Government of India gave the however, first formal expressions to their decision to repudiate its commitment to a plebiscite, Mirza Afzal Beg founded the All Jammu and Kashmir Plebiscite Front. With the foundation of the Plebiscite Front, now in a position to play the Muslim card more effectively, and no more frightened of the role National Conference could play in favour of India, the Government of Pakistan became more vociferous in demanding the implementation of the United Nations resolutions.

In 1955, the Government of India reversed its policy and formally

repudiated its commitment to a plebiscite in Kashmir, which the United Nations had foisted on it in 1948. Perhaps, Nehru had, in the long last realised that Pakistan had dragged the dispute over Kashmir into the cold war, and had, after having frustrated all attempts at demiliterisation for five long years, pushed India into a defensive after the disintegration of the first Interim Government. Nehru had achived little by invoking the United Nations intervention; instead, he had lost almost half of Jammu and Kashmir, including its strategic frontier in the north, to Pakistan Britain and America had brought Pakistan into the alliance system, which they had devised to ring fence Soviet Russia. Indian Prime Minister had begun to entertain fears that the uncertainity in the State had already caused serious damage to the Indian position and prestige and any further procraitination would provide a long handle to Pakistan to further its interests in Jammu and Kashmir, communalise the Muslim masses and destabilise the fragile political processes in the State, which the first Interim Government had undermined by its dubious and separatist policies.

Pakistan supported the formation of the Front and extended its support to the Front in its struggle against India. The Plebiscite Front committed itself to the demand for the right of self-determination of the Muslims in the State and the implementation of the Security Council resolutions envisaging a plebiscite under the aegis of the United Nations.

The entire pro-Pakistan underground joined the Plebiscite Front. Backed by the network of the Pakistan's intelligence agencies, the Muslim bureaucracy and the Muslim middle class, the Front gathered widespread support among the Muslims in the Kashmir province as well as the Muslim majority districts of the Jammu province and the Muslim majority district of Kargil in Ladakh. the pattern of the Muslim movement in the State was almost identical to the Muslim League movement for Pakistan; the Muslims in the State demanded the dissolution of the accession of the State to India and its integration with Pakistan, because they were forming a majority of the population of the State, which was found to be reduced to a minority in a dominantly Hindu India.

The main core of the Front leadership was constituted of the most virulent opponents of India— men who had not supported the decison of the National Conference in respect of the accession of the State to India and who had relentlessly worked to organise Muslim opinion against

India, both inside the National Conference and outside it. Indeed, they played a major role in the fall of the First Interim Government and once the Conference was broken up, they did not require much effort to forge a front against India.

The Government of India, at least apparently, realised the danger in the secessionist movement, the Plebiscite Front and the other lesser Muslim organisations spearheaded. India had allowed its support bases in the State to be destroyed by the secessionist movements, Muslim majoritarianism and the policy of blackmail and intimidation, the successive State governments had followed. The psychological shock, the Chinese -administered to the Indians and exposed the hallowness of the Indian claims to leadership roles which discounted power balances as the basis of international relations. For Pakistan and the leaders of the secessionist movement in the State, the Chinese invasion was a development of considerable satisfaction. In fact, after the Chinese invasion the secessionist movement entered a new phase of its development. The leadership of the Plebiscite Front realised that India, which had always defied the initiative of Pakistan's western allies, was caught in a pincer movement, between China and Pakistan. Careful to regain as much of the lost leverage as was possible under the circumstances, the Front leaders shifted their emphasis to a settlement between India and Pakistan, which would ensure the extraction of Jammu and Kashmir from India. This was what suited Pakistan the most.

The secessionist movement received fresh impetus in the wake of the Muslim agitation which followed the theft of the sacred relic from the Muslim shrine of Hazratbal in Srinagar. The secessionist forces dominated the religious effervescene the incident caused among the Muslims and used it to destroy the institutional structure the Interim Government had built and upturn the last vestiges of the Indian influence in the State. The Government of India, broken up in its resolve to face the situation, with whatever firmness it still possessed, manoeuvred to contain the impact of the agitation, but in the process abandoned its political initiative to deal with Muslim separatism, which had by now consolidated itself into a dangerous anti-India force.

Nehru initiated a dialogue with Sheikh Mohammad Abdullah after the latter was released in 1964. Reportedly, Nehru offered the Front leaders to recognise Jammu and Kashmir as an autonomous Muslim State in India and abrogate the changes in Article 370, which had been brought about after 1953. Sheikh Mohammad Abdullah rejected the

offer Nehru made, and refused to accept any proposal which left out Pakistan from a settlement on Kashmir.

Nehru died in the meantime. Jilted by the new Government headed by Lal Bahadur Shastri which did not encourage the Front leaders, the Front mounted a fresh offensive, against India. In the widespread anti-India campaign, the Front was now supported by the Awami Action Committee, which had been formed to coordinate the Muslim agitation following the theft of the sacred relic and several youth and student organisations, which had been organised under the direction and help of Pakistan intelligence agencies in the State.

In February 1965, Sheikh Mohammad Abdullah with Mirza Afzal Beg, the President of the Plebiscite Front, proceeded on haz pilgrimage to Mecca. The Front leaders toured several countries in Europe and elsewhere, mostly in collaboration and on the hospitability of the Pakistan's diplomatic missions abroad, openly seeking support for the secesstion of the State from India. In Algeria, they met the Chinese Prime Minister Chou-En-Lai. The Muslim struggle for the secession of the Jammu and Kashmir State from India fit in within the object of a future power structure which formed a more viable base in Asia for the Western allies of Pakistan.

The Government of India impounded the passports of the Front leaders and when they arrived in India, they were arrested forthwith. Violent demonstrations led by the secessionist forces in Srinagar and the other towns of Kashmir followed the arrest of the Front leaders.

All this provided a foreground for the large-scale infiltration of the Pakistan armed personnel into the State in July 1965. Following the same pattern as it had adopted in 1947, Pakistan pushed in thousands of infiltrators into Kashmir, in the disguise of the Mujahids, the crusaders, to lead an open rebellion of the Muslims in the State against India.

The secessionist organisations, including the Plebiscite Front, had the secret intelligence of the action plan Pakistan had drawn up and many of them favoured the Muslims to join the infiltrators in their fight against India. Some of them including the President of the Plebiscite Front had already pledged their support to the infiltrators. However, the anticipated Muslim uprising did not follow the infiltration for many tactical and political reasons. India struck back, this time across the international frontiers as well as the cease-fire line in the Jammu and Kashmir State.

Realizing that Pakistan had lost the military initiative, the secessionist organisations, particularly the Plebiscite Front and the Awami Action Committee, reiterated their demand for the right of self-determination of the Muslims in the Jammu and Kashmir State, mainly to restrict the implications of the Tashkent Agreement, which virtually ended the United Nations mediation in the Kashmir dispute. The Plebiscite Front went a step further and declared that any settlement reached between India and Pakistan, to which the Muslims of the State were not a party, would not be acceptable to them.

A more militant outlook inside, as well as outside the various secessionist organisations, including the Plebiscite Front, developed after the 1965 Indo-Pakistan war. A new generation of Muslim youth had grown under the shadows of the movement for plebiscite, which was imbibed by the idealogical commitment to the Muslim nation of Pakistan. The movement for plebiscite, whatever may now be said to whitewash its significance, upheld the quest for a separate and independent state for the Muslims aligned with the Muslim nation of Pakistan. Completely bred upon the spoils of Muslim majoritarianism and Muslim precedence and oriented to the Muslimised political culture of the State, totally fundamentalist in content, the new generation slowly assumed the leadership of the secessionist movements in the State. The new leadership as it emerged, stressed that:

(i) The Muslim leadership of the National Conference had supported the accession of the State to India in 1947, against the will of the Muslims:

(ii) The secessesionist movement led by the Plebiscite Front would not be able to liberate the Muslims from the Indian yoke because the form of protest against India, it had followed, was not adequate to force India to leave Kashmir;

(iii) The use of armed force alone could compel India to accept the right of the Muslims in the State to self-determination.

(iv) The Muslim State of Jammu and Kashmir was a natural part of the Muslim nation of Pakistan.

The emergence of Bangladesh gave a setback to the secessionist forces in the State which directly led to the dissolution of the Plebiscite Front in 1975. Negotiations between the Front leaders and the Congress

leaders commenced shortly after the Indo-Pakistan conflict drew to its close. The Front leaders, who, before the dismemberment of Pakistan, had insisted upon the right of the people of the State to an independent political identity, which would determine its own relations with Pakistan accepted to abandon the claim to a plebiscite and dissolve the Plebiscite Front if they were restored to power. An accord was concluded between the Front leaders and the Indian Prime Minister, Indira Gandhi, by virtue of which power was transferred to the Front leaders who accepted to recognise the finality of the accession of the State and agreed to dissolve the Front and revive the National Conference. In consequence, the Congress government in the State headed by Syed Mir Qasim resigned and Sheikh Mohammad Abdullah was elected the leader of the Congress Parliamentary Party in the State Legislature.

The accord was, however, restricted to the upper echelons of the Plebiscite Front, and did not percolate down to its rank and file, which believed that the transfer of power was forced on the Government of India by the Front leaders as a tactical step towards the realisation of their freedom from the Indian tutelage. Many of the Plebiscite Front leaders proclaimed openly that the Accord would be used to wreck the Indian positions in the State from within. In fact, the elections to the State. Assembly in 1977, in which the National Conference, was pitted against the Janta Party as well as the Congress, were overwhelmingly won by the Front leaders on the slogan of ending the Indian hold on Kashmir. The National Conference openly claimed that it would use State power for the liberation of the Muslims from the Indian domination. Ultimately the Front leaders, proved true to their professions and in a decade destroyed whatever sympathy and support India still enjoyed in the State.

The consolidation of pan-Islamic fundamentalism as a basis for a global strategy to unify the Muslims into an independent power base, with Pakistan as one of its focal centres, changed the entire nature and direction of the secessionist movement in the State. With Pakistan already at the back of the secessionist forces in the State, the process of fundamentalisation of the secessionist movement was rapid. It transcended narrowly the local loyalities with which the Conference leaders had identified the Muslim majority in the State as well as the secessionist movement the Plebiscite Front had led against India.

The State Government as well as the Central Government failed to

realize the import of the phenomenal change, which pan-Islamic fundamentalism envisaged and the danger it posed to the whole of India. The Indian leadership failed to take note of the warning the events in the Punjab sounded. The Muslim leadership in the State, ideologically closer to pan-Islamic fundamentalism, quitely surrendered to the new spirit of Islamic unity and revolution.The Indian leadership governed by moorings which accepted balances of communal interests as the basis of secularism, refused to face the challenge the Muslim fundamentalism posed. Indeed, the Indian leadership as well as the leadership in the National Conference attempted to seek a compromise with the Muslim fundamentalist forces in the State.

The first denoucement came when Pakistan commenced the process of the militarisation of pan-Islamic fundamentalism on the sub-continent. Pakistan's strategem, to induct arms into the northern States of India was aimed to destablise the community balances, and soften the political resolve of the Indian people to resist communal violence. The militant violence in the Punjab exploded many myths, which the Congress leadership believed to form the basis of Indian political culture. While the Indian leaders were struggling to overcome the disaster in Punjab, Pakistan began to militarise the Muslim secessionist flanks in Kashmir.

The crisis in the Punjab deepened the political instability in the entire north of India and by the time the Muslims in Kashmir were armed and trained, there was not much effort that Pakistan needed to make its intervention effective in the Jammu and Kashmir State.

2

Muslim Militancy

The militant violence in Kashmir is an ideological struggle which is fundamentalist in outlook and basically communal in character and which is aimed to:

(i) disengage the State from India, and secure its integration with the Muslim homeland of Pakistan;

(ii) demolish the secular, social and political organisation of the State and convert it into a Muslim theocracy governed by the precept and precedent of Islam.

The terrorist violence is not a local eruption of political dissent or discontent, nor is it a political movement geared to objectives which involve change in the instruments of power or processes of political participation. It is a religious crusade, the continuation of the Muslim struggle for the separate Muslim homeland in India, to complete the partition of India by securing the Muslim majority state of Jammu and Kashmir for the Muslim State of Pakistan. While terrorism took its toll in Kashmir, the leaders of Pakistan demanded that the India be divided again and the partition be carried to its logical conclusion by ceding Jammu and Kashmir to Pakistan.

The ideological commitments of Muslim movement in Kashmir include:

(i) Muslims in Jammu and Kashmir form a part of the Muslim nation of Pakistan and since they constitute a majority of the population of the Jammu and Kashmir State, the State must form a part of Pakistan;

(ii) the integration of the Jammu and Kashmir State will complete the process of the Indian partiton, which was thwarted by India, inspite of the United Nations intervention in the Kasmir dispute;

(iii) the Muslims in the State do not accept accession of the State to India and since India has denied them the right to exercise their option to join Pakistan, they have taken up arms to force India to withdraw from the State;

(iv) in their struggle against India they are allied to Pakistan, the Muslim homeland in Indian sub-continent ;

(v) while the religious war against India is in process, social, economic and political organisation in the State must be transformed to correspond to Nizam-e-Mustafa or the state governed by the law and precept of Islam;

(vi) the Hindus and the other minorities should be eliminated because:

(a) they form the frontline of the resistance to the secession of the State from India and its integration with Pakistan;

(b) they do not accept that Jammu and Kashmir forms a part of the Muslim homeland of Pakistan;

(c) they do not accept the reorganisation of State of Jammu and Kashmir on the basis of Muslim law and precedent into a Muslim polity the Nizam-e-Mustafa;

(d) they are not prepared to subject themselves to the social, religious, economic and political preeminence of the Muslim majority in the State;

(e) they refuse to participate in the Jehad against India.

A wide range of strategies was employed by the militants and Pakistan to achieve their objectives. These strategies were :

(i) Building a campaign, supported by the press and the electronic media of Pakistan and Azad Kashmir and the vernacular press inside the State; distort facts about the demographic, economic and political organisation of the State, its history and its political culture; malign India by accusing it of aggression and arouse the feelings of the Muslims inside the State and exhort them to rise in revolt against India;

(ii) take advantage of the Muslimisation of the State Government its political isolation from the rest of India to destroy the frame

work of the political institutions established in the State and demolish all power structures like the political parties, pressure-groups and other alignments of interest articulation;

(iii) capture the security structures of the State by infiltration and undermine their normal function to compel the Government of India to deploy national security forces and the army in the State;

(iv) to use the deployment of the national security forces in the State to :

  (a) prepare the Muslim psyche for an ultimate battle with India;
  (b) arouse international opinion against India by charging its security forces of oppressing the Muslims in the State;

(v) eliminate the Hindus in Kashmir in order to :

  (a) destroy the most stable support-base India had in the Kashmir province;
  (b) wipe out all communication linkages, feedback channels and flow of information to the Government, a process in which the Hindus in Kashmir played a factoral role;
  (c) to demolish the balances of population and convert the province into a purely Muslim populated region and consequently remove the traditional patterns of religious coexistence which formed the basis of the social organisation of the province;
  (d) complete the process of fundamentalisation of the Muslim masses in the State to forge them into a monolithic communal force against India;

(vi) extend the militancy to the Muslim majority districts of the Jammu province, and consolidate the Muslims to the west of Chenab into another militant flank against India, and use it as a lever for a probable settlement on the division of Jammu and Kashmir along the river Chenab;

(vii) unleash a low profile civil war in the State to exhaust India and force it to surrender and simultaneously solicit intervention of the third powers to compel India to accept a settlement more favourable to Pakistan.

By and large, Pakistan and the secessionist forces in the State

succeeded in achieving their targets. The media mechanics in Pakistan as well as in Azad Kashmir manufactured volumes of false stories about the bloody battles the Muslim Mujahidin fought with the Indian troops and the heavy casualities the latter suffered. Inside the State the secessionist forces, already in a state of preparedness picked up the cry Pakistan raised and launched a virulent attack on the security arrangements. The local vernacular press, which depended for financial support on the Muslim middle class and which had always supported Muslim separatism, communal precedence of the Muslim majority and a settlement with Pakistan, joined the tirade against India. A large section of the vernacular press controlled by the secessionist partisans, mainly the Jamait Islami, openly committed themselves to the unification of the State with Pakistan.

As the militant violence increased towards the fall of 1989, the security structures of the State, heavily infested by the secessionist elements, crumbled rapidly. Partly because of the inadequacy of the local security forces and partly because of their ineffectiveness to deal with the terrorist violence, the State Government was compelled to deploy the Central security forces in the State. Both by consititutional precept and agreement, to which Jammu and Kashmir is not an exception, the federal police forces are deployed in the Indian States on security duty to deal with any law and order situation, which the local police is unable to control. Besides, the contingents of the Central Reserve Police, the State Government deployed Border Security Force and elements of Indo-Tibetan Border Force on internal security duty. That was actually, what the secessionists aimed at. They sought to force a confrontation between the Indian security forces and the militants in order to create the psychological impression of a state-wide Muslim revolt against India. The two news journals, owned by the National Conference and the Congress had no credibility. At this juncture of crisis when these news journals should have been toned up to rebut the false propaganda poured in from Pakistan, their columns were filled by self-condemnatory profiles which sought to explain why the state power had failed to attain the state of Islamisation promised to the people of the State by the Indian leaders.

The Muslimisation of the various political and economic processes had begun during the tenure of the First Interim Government, constituted in 1947, and continued even after. Within the broad framework of the special status envisaged by Article 370, which isolated the State from the rest of India, it was far easy for the secessionist elements to infiltrate into the administrative cadres of the Government. In fact, the entire administrative

organisation of the State had since been undermined by the secessionists and converted into a major bulwark of resistance against India.

The Muslim bureaucracy played a major role in the demolition of the power structure of the State to pave the way for the functional atrophy of the State Government. Right from the time of the Interim Government, the Muslim bureaucracy had been built as a flank of the National Conference, but after the disintegration of the Conference, it had grown into a powerful instrument of Muslim separatism. It was actively assisted by the secessionist flanks in the political parties, which constituted the Government and the nexus between them completed the destruction of whatever semblence of institutionalisation had survived the ravages of the movement for plebiscite in the State.

The strategies adopted by the militants to demolish the security structures of the State achieved their aim with devastating effect. With the onset of the militant violence in the State, the security structures in Kashmir, heavily infested by secessionist elements and led by personnel, deeply indoctrinated by Muslim fundamentalism crumbled rapidly. The flanks of Kashmir armed police recruited mainly from among the Muslims of the border districts of both the provinces of Jammu and Kashmir, struck work and mutineed, allegedly on being treated indifferently by the Government. This happened at a time when the militant violence had entered a decisive phase.

The obdurate strike of the State police forces, aroused fears of an internecine scuffle between them and the Indian troops and many rumours spread that the State police forces had fraternised with the militants, distributed arms among them and attacked the Central Reserve Police personnel and dealt heavy damage upon them. Rumours also spread that the State police had been ordered to be disarmed but it had refused to lay down arms. Whatever happened behind the scene, the elements of the local police, stood bye, every where in deliberate indifference, without any meaningful direction, to deal with the situation.

The media machines in Pakistan as well as Azad Kashmir along with the vernacular press in Kashmir, poured out volumes of abuse and invective against the Indian security forces. Allegations were made that they were being used to oppress the Muslims, who were fighting for their legitimate right of self determination. Stories were floated about the inconvenience, imposition of curfew caused to the people, about the shortage of cooking gas and soaps, the failure of the State Government to provide transport for the

export of fruit, the breakdown of the industry etc. But there was little or no reporting of the death and destruction and the atmosphere of fear and terror, which was rapidly prevading the life in the State. Kashmiri Hindus killed by the militants, were condemned as traitors to cause of the Muslim struggle and informers of the Government of India, who had been justly punished for having betrayed the Muslim Jehad.

While the secessionist forces consolidated their hold on Kashmir, they extended their operations to the Muslim majority districts in the Jammu province. The secessionists aimed to militarise the Muslims in these districts, in order to provide wider conduits for infiltration of the trained militants from Pakistan and secondly, to drive out the Hindus, who formed a more sizeable minority in these districts. If the Hindus in the Jammu province were isolated in the two districts of Jammu Kathua and the fringes of the Udhampur and Doda Districts, lying east of the Chinab, a basis could be provided for Pakistan to accept the division of the State along the Chinab? A widespread campaign of subversion was launched in these districts, to consolidate the secessionist forces and organise the despatch of Muslim volunteers for arms training, across the Line of Control. Evidently, with the Hindus thrown out of the Muslim majority districts, the secessionist operations could easily command the features behind the Indian defences .

The terrorist violence in the district of Doda intensified with the induction of the foreign mercenaries into the State. The administration in the district did not take long to crumble, leaving the terrorist flanks operating in the district, to establish a militant regime there.

The Doda district was carved out of the Hindu majority district of Udhampur by the National Conference Government, to seggregate the Muslim majority regions of the Jammu province, contiguous to Kashmir. It is situated in the outer hills of the Jammu province and is bordered in the north by the valley and in the south and south west by Udhampur and Kathua districts. In the east and south-east Doda is contiguous to Ladakh. The total population of the Doda district is 4, 25, 262, of which the Muslim constitute a majority of 55 percent.

The militant operations spread to Doda from Kashmir and followed the same tactical pattern to fundamentalise the Muslim society in the district that the militants had adopted in Kashmir. The public address system, in the mosques, were used to exhort the Muslims to prepare for the crusade against India. The State government reluctant to recognise

the spread of terrorism to the Jammu province, took no effective measures to meet the threat the terrorists posed in Doda. As planned, the terrorist offensive in Doda, unfolded in several phases:

(i) the terrorist launched a widespread man hunt of the Hindus, killing than wantonly in large numbers;

(ii) they warned the Hindus to evacuate from the district to complete their ethnic extermination;

(iii) they smothered the last resistence against secessionism, among the Muslims who were opposed to Pakistan, by force and intimidation;

(iv) after the Hindus were eliminated and the society fundamentalised they launched a major military offensive against the Indian security forces;

(v) having established a terrorist regime in the district, they extended their operations to the entire Jammu province.

The Hindus were subject to torture and barbarity, which do not have a parallel in the annals of history. The following local account gives a description of the inhuman practices, brutal torture and physical assault to which the Hindus in the district were subjected.

Two youths named Shri Rakesh Kumar (24) and his brother Rattan Lal (22) were taken as hostages for raising the alarms. After four days their dead bodies were found near a nallah. They were brutally killed — the breast of Shri Rakesh was opened to take out his heart. After slaughtering Shri Rattan Lal, his skin was removed from the face; private parts of both the brothers were cut off.

After a week of this horrible incident of gruesome killings, the "Mujahids" killed another youth of Kishtwar town. His name was also Rakesh Kumar. He was also kidnapped alongwith another youth Gambhir Chand, who managed his escape despite being hit by a bullet. The dead body of Shri Rakesh was found near Bhagana village 40 kms. from Kishtwar town. His eyes were removed and different parts cut before killing.

On 25/26 March 1994, two Hindu youths from village Puneja (Bhaderwah) were kidnapped and tortured to death.

On 30. 4. 1994 an Ex-Serviceman, Shri Om Raj R/O Sinerra (Bhaderwah) was gunned down in his house and his property looted.

On 2.5.1994 Rangil Singh, Gulab Singh and a gujjar boy Abdul Gani were Kidnapped and mercilessly tortured by Afghans at village Sumbar. Their parents were forced to eat the flush of their children and some of the villagers were forced to take beaf.

On 27.5.1994 three Harijan boys were killed mercilessly in Adall village of Kishtwar. They are Shri Kishore Lal, Jeevan Lal, and Ravinder.

Two militants were killed by villagers at Kote village. Later the whole village was burnt and the inhabitants forced for migration to Himachal Pradesh. Thousand of terrorists, including foreign mercenaries, we re camping at the higher reaches of Doda district.

Militants have looted all the police posts at Chatru, Marwa, Warban, Dacan, Paddar and Thathri and hence snatched 118 riffles (303), 14 pistols, 16 wireless sets and a large quantity of ammunition from Jammu and Kashmir police without firing a single shot—later on State government withdrew these police posts, which have been recently restored after protests.

14 Jawans of B.S.F. a were trapped and killed in Desa area because of the misguidance of local guide who had informed the militants before and the guide was The S.H.O. of the area. Militants laid ambush and killed all of them.

A steady exoudus of the Hindus from the Doda district and several Muslim majority regions of the Jammu province is now in progress. The objective is to push out the Hindus from the regions east of the Chenab, to prepare ground for the separation of the Kashmir valley and the larger parts of the Jammu province from India, more or less on the basis of a modified form of the plan, when Sir Dixon, the united Nations representative, proposed as a basis for settlement of the Kashmir dispute.

This was what the secessionist forces were able to accomplish in Kashmir. The Hindus in Kashmir, hundreds of them killed and tortured to death and thrown out of their homes by terror tactics, were eliminated as a factor in the process of resistence against the secessionist movement in the State. If the Hindus from the Muslim majority districts of the Jammu province were also uprooted from their homes, they too would cease to be a factor in the resistence against secessionism?

I

THE GATHERING STORM

There is enough evidence to believe that arms and ammunition began to flow into the State, right from 1980, while the trouble in the Punjab was at its peak. The survile subjectivity and subterfuge, with which the Government of India dealt with the fast deteriorating law and order situation in the State, particularly, after the widespread communal riots in south Kashmir in 1986, provided enough ground for the fundamentalist and secessionist forces to arm themselves with the help of Pakistan.

It is difficult to state as to how did the State Government remain completely unaware of induction of arms and infiltrators into the Kashmir Valley. Much is also not known as to who constituted the militant leadership inside the State. If the escalation of the militant violence provided any indication of the intentions of Pakistan, it is evident that Pakistan was using the militancy in the Punjab with tactical effect to create conditions for a major operation in Jammu and Kashmir, which would be far too heavy for the Indian defences to bear. The most common man in the streets of Srinagar was aware of the growing strength of the secessionist forces, the widening influence of the fundamentalist Muslim organisations and the deepening communal distrust all over the State. The devastation of the Hindus by the widespread Muslim assault on them in 1986, the death destruction and desecration of the Hindu religious places which the whole fracas involved and the Muslim-Buddhist riots in Ladakh and Kargil divisions, had already laid a trial of communal distrust in the State. Both in Kashmir and Ladakh, Muslim fundamentalism had triumphed, in Kashmir the Hindus were smothered and in Ladakh, the Buddhist majority was completely alienated. Several major developments occurred in Kashmir which indicated that the support bases India had in the State, were fast disintegrating and it was evident that it would not be after long that the Indian Government would be confronted with a situation which was far worse than it had faced so far :

(i) A virulent propaganda campaign was underway among the Muslims in the entire Valley as well as the Muslims in the Muslim majority districts of the Jammu province that the time

had arrived for a Jehad against India and the Hindus, for the liberation of the State from India and the Muslims, particularly the youth, should prepare themselves for the sacrifces the Jehad would involve;

(ii) the Jamait-Islami cadres were inducted into the managing bodies of the mosques and Muslim religious institutions and trusts to gain control over them;

(iii) severe anti-India and pro-Pakistan propaganda was initiated in the Muslim missionary schools, mostly organised by the Jamait-Islami;

(iv) in almost every local area, community centres for political education, called the 'Islamic Study Centres' were organised all over the province. The Circles were run and controlled by the Jamait-Islami cadres in collaboration with non-Kashmiri Muslim preachers, who appeared and disappeared mysteriously and whose anticedents were suspect;

(v) there was a rapid shift in the entire local press in favour of Muslim fundamentalism;

(vi) the recitation of National Anthem and hoisting of National Flag in the schools and other public institutions was mysteriously discontinued and people were dissuaded from attending ceremonies where the National Anthem was recited or the National Flag hoisted;

(vii) a well-planned psychological war was unleashed against the Hindus, which involved:

(a) denigration of their religious precept and rituals;

(b) desecration and destruction of their temples;

(c) encroachment on their religious endowments, unlawful occupation of the land attached to temples and ancient shrines;

(d) frequent provocations to arouse general communal tension to instil fear among them, so that they abondoned their homes;

(e) increased emphasis on Tablig or the propagation of Islam accompanied by psychological pressure to compel the

Hindus to accept conversion;

(f) sudden spurt in cow-slaughter in violation of laws in force in the State and the appearence of numerous shops in the rural Kashmir as well as Srinagar where beef was put on sale openly;

(g) increase in the incidence of violence, sudden eruptions against the State Government, bomb blasts and arson;

(h) promotion of the distress sales of Hindu property, with finances made available from various Muslim endowments and trusts;

(i) pressure built upon the small Hindu business community to close down whatever business enterprises it owned;

(j) the recruitment of the Hindus in the services was further reduced to almost elimi ate them completely with a view to compel them to leav the State;

(k) reduction of the intake f Hindus in the higher educational institutions.

Two other developments, which assumed frightening proportions after the Muslim attack on the Hindus in 1986, were the increasingly open expression the Muslim secessionism received and the widening permissibility which the entire State apparatus provided to Muslim communalism.

A long debate went on among the Hindus in the State, and strong feelings were expressed by them that Pakistan aimed:

(i) to build its offensive in the Jammu and Kashmir State where militancy could be easily used to plunge the Muslim masses into a civil war against India;

(ii) to close the military options for India to use force against Pakistan, if and when Pakistan launched a final assault to intervene in the civil war in Kashmir.

The Hindus tried their utmost to pursuade the Indian leaders to see the danger inherent in the fundamentalist resurgence in the State and the fresh inspiration it provided to the secessionist forces. Many Hindu leaders and prominent men, pleaded with the National Conference as well as the

Congress leaders, who constituted the coalition Government in the State, to take effective measures to curb the fundamentalist and secessionist forces. As the bomb blasts increased in their intensity and the law and order machinery began to give way, the Hindus made earnest entreaties to the Government of India to take necessary administrative measures to check the growing violence in the State. On 15 August 1989, the independence day of India, the Hindus unfurled the Indian flag in the Ganpatyar temple in the heart of Srinagar, after they had sought the protection of the police. All over the valley, the Indian flags were burnt in scores and the flags of Pakistan and the Jammu and Kashmir Liberation front were hoisted.

The protestations, the Hindus made, went unheeded. The State Government issued vague and contradictory statements, reiterating the faith of the coalition partners in secularism, Kashmiri identity and Muslim precedence. In several of the statements the coalition partners levelled charges against each other as well as against the Hindu communalists who, they alleged, were wanting to disturb the peace in the State. To whitewash the truth, many of the Conference leaders traced the Muslim unrest to the dominance of Kashmiri Pandits in the Central Government offices in the State, because of which the potential Muslim talent was frustrated with Indian secularism. The Congress leaders of the State indulged in self-condemnation and charged everybody except the Muslims for what had happened in the State.

The State Government, with an unstable political executive, still committed to the communal precedence of the Muslims, and a Muslimised bureaucracy with professional flanks, avowedly anti-India, took no notice of the widening turmoil in the State. The object depths to which the Indian prestige reached in the State is evidenced by the fact that the Chief Ministers and the other Muslim leaders, paid lip-service to Indian unity and secularism so long as they remained in power but denounced India and openly called for the seccession of the State once they fell out of power.

Even after the rumblings of the impending storm were audible, the Government of India allowed the drift to continue. The Kashmiri Pandits, the dramatis personal of the Greek tragedy which slowly unfolded in the State, watched the fateful drama, draw to its close.

The State Governor, Jagmohan, later claimed that he sent many

despatches to the Indian Government warning it of the impending disaster and proposed drastic changes in the State Government to meet the threat. the terrorism posed. The local party bosses got him eliminated from the State at a crucial juncture, perhaps out of deliberate design. Jagmohan wrote several letters to the Indian press after he had been eliminated a second time from the scene in Kashmir, which are revealing in their content.

II

WAR OF ATTRITION

It is still premature to say that the militant violence has not made any impression on the defence structures of India. One thing, however, is certain that the militancy in Kashmir has prepared ground for a future intervention that the armies of Pakistan may plan to undertake in Jammu and Kashmir. Besides the strategic advantages the secessionists have achieved in Kashmir there are several other objectives which Pakistan has achieved so far. They are:

(i) the militants have established their hold on the major section of the Muslims in Kashmir by ideological indoctrination and by force of arms;

(ii) they have destroyed the confidence of the Hindus in the ability of the Government of India to protect them and thus alienated them completely;

(iii) By eliminating the Hindus they have destroyed the population balances which formed the bases of whatever esemblence of secularism there still was in Kashmir and communalised the entire society in the State:

(iv they have demolished all the stable support bases India had in Kashmir;

(v) they have succeeded in intimidating the Indian Government into a profileless resistance, which has so far been self-defeating; whereas the militants have enhanced their ideological appeal and acceptance;

(vi) they have achieved a large measure of Muslim approval for the religious war, they are waging against India and the Hindus;

vii) By their tactical manreuvers of using the Muslims as a shield for their guerrilla warfare they have involved wide segments of the Muslim population in their operations.

In one respect, the secessionist forces have failed to achieve the desired results They have not been able to attract as much international interest in the State with a view to create conditions for third power intervention. They had presumed that the recession of the Soviet influence from Europe and the reduction of pressure in Afghanistan would provide Pakistan an international context, dominated by the United States, and a more confidant American administration would be decisively helpful to Pakistan than it had ever been. Perhaps, because the world is no longer divided on the basis of bipolarity and the cold war interests no longer govern foreign policies of the major international powers, the response to the crisis in Kashmir has been qualitatively different than it was before. Soviet Russia has ceased to exist and the interests of the major powers in central Asia, have shifted to new alignments, other than those on which Pakistan had based its policies towards Kashmir.

Except the official versions, much information about the damage the militants have inflicted on the security forces in Kashmir is not known and available. If the local vernacular press and the wall posters the militants issue, are taken into account, the extent of damage the security forces have suffered, is considerable. The militants have followed a hit-and-run strategy, in which the local Muslims act as a shield to protect them and provide them logistic support. The so-called searches are a part of the pressure tactics, the paramilitary forces have so far been employing to limit the advantages the militants have in using the Muslim population to provide them cover. Otherwise, the idea of using civil procedures in combing operations and in a situation of civil war which has involved high military manoeuvers, is ludicrous The Indian paramilitary troops are fighting a war, with the armed militia which the Pakistan trained Muslim terrorists constitute and which receive its armour and direction from the military organisation of Pakistan.

The Government of India continues to harbour a number of erroneous impressions about the objectives the militants are expected to achieve. They

still believe that the commoner Muslims are a factor in the widespread military regime the militants are organised into, and the militants, therefore, have not established a support base among the Muslim masses in the State. Secondly, they still presume that the militant operations in Kashmir are civil eruptions, which must be met with action under civil procedure. Thirdly, they believe that even after hundreds of Hindus have been murdered, their property looted and destroyed, their temples burnt down and bombed, and their entire population uprooted and pushed out of Kashmir, the violence in Kashmir does not represent Muslim communalism and separatism.

In utter-self deception the Indian leaders still believe that the secessionist forces in the State have not accepted Pakistan as a factor in whatever differences they have had with India and a readjustment in power equations, flow of finance and economic advantage, reached with them would end the present crisis. In their self-conceit, the Indian leaders still presume that Muslimisation of the State was complementary to Indian secularism and a balance could be struck with the Muslims, even if it was at the cost of the Hindus.

3

Disinformation Compaign

All over the post-independence era, incessant efforts were always made by the State Government and the Government of India to conceal the ugly face of Muslim communalism in Jammu and Kashmir. Deliberate attempts were always made to provide cover to the evolution of Muslim fundamentalist and secessionist movements in the State right from the time of its accession to India. The various forms of Muslim communalism and separatism which rampaged the life in the State, during the last four decades and which imparted to the secessionist movements in the State, their ideological content and tactical direction, were camaflouged under the banners of sub-national autonomy, regional identity and even secularism. Largely, perceptional aberrations, misplaced notions and subterfuge characterised the official as well as non-official responses to the upheavals which rocked the State from time to time. More often, the real issues, confronting the State, were overlooked by deliberate design and political interest, a policy which in the long run operated to help the secessionist forces to consolidate their ranks and their hold on the people in the, State. The shrill cries of "Jehad" against India and the Hindu infidels, to undo the wrong they were accused of having done to the Muslim majority in the State by usurping its right to join Pakistan, were always underestimated.

The mass massacre of Hindus and the Sikhs in the territories of the State occupied by Pakistan in 1947, the uncertainly which followed the exclusion of the State from the Indian constitutional organisation, the dismissal of the first Interim Government, the virulent secessionist struggle led by the Plebisicite Front that followed, and the induction of thousands of armed infiltrators into Kashmir to lead a Muslim rebellion against India, were events which went unheeded. The real import of these events was deliberately ignored. Even after widespread militant violence struck Kashmir in 1989, and thousands of innocent people were killed in cold blood along with hundreds of Indian security personnel and the whole community

of the Hindus in Kashmir was driven out of the valley, the disinformation campaign to cloud the real dangers the terrorist violence posed to the nation continued to dominate the flow of information about Kashmir. Indeed, efforts still continue to be made to sidetrack the basic problems of terrorism, secessionism and the role of militarised Muslim fundamentalist forces in the whole bloody drama enacted in the State and divert the attention of the Indian people to trival concerns, which have no bearing on the developments there. The disinformation campaign, has been aimed to confuse the Indian public opinion about dangerous import of the militarisation of Muslim separatism in Kashmir and its implications for the unity of the whole country.

There was a subtle effort, which was coordinated at various levels, both official and non-official, to divert the attention of the Indian people from the menacing threat presented to the security of India by (a), the militarisation of pan- Islamic fundamentalism in South Asia with its epicentre in Pakistan and (b) the induction of militarised fundamentalist flanks into Jammu and Kashmir to wage a war of attrition against India. The broad scheme of the disinformation campaign spread into several propaganda formats, based upon the following themes:

(i) Muslims of Jammu and Kashmir were alienated by misgovernment and oppression, which India and the Hindus in Kashmir, perpeterated upon them.

(ii) Muslims in the State were excluded from political participation in the exercise of state power by the Government of India and the Hindus.

(iii) The Government of India and the Hindus deprived the Muslims of their due share in the political processes of the state by,

(a) rigging elections;

(b) excluding the Muslims from the administrative organisation of the State;

(c) denying them their share in the services of the State Government and the offices of the Government of India, in accordance with the ratio of their population.

(iv) the Muslims were subjected to economic deprivations, which

resulted in widespread poverty among them and unemploy ment among their youth.

(v) Hindus in India and the Indian Government refused to recognise the right of the Muslims in the State to religious precedence and their religious obligation, polity based upon the law and precept of Islam.

The disinformation campaign succeeded to provide a smoke-screen to the war of attrition waged in Jammu and Kashmir. Evidently the campaign was aimed to obscure a clearer perspective of the import of the secessionist struggle in the State and obstruct the evolution of a national response to deal with the danger it posed, effectively and purposefully.

I

POLITICAL ALIENATION

A major thrust of the disinformation campaign revolved round the alienation of the Muslim masses, particularly thé Muslim youth in Jammu and Kashmir. Alienation, understood as the rupture of the Muslims from their political and social environment, it was alleged, had set in, due to the psychological reaction to their exclusion from the political processes in the State and their withdrawl from all forms of political participation.

It was alleged that partial application of the secular equality, envisaged by the Constitution of India, to the State, impaired the religious political and economic precedence of the Muslims, which formed the basis of its autonomy. It was also alleged that secular equality emobodied by the Constitution of India could not be reconciled to the Muslim identity of the State and the militant violence symbolised this irreconcillability.

Accusations were levelled against the Government of India and the Hindus inside the State as well as in the rest of the country, that they had unceasingly sought to demolish the separate and independent identity of the State and terminate the autonomous political organisation, ensured for it, by the provisions of Article 370 of the Constitution of India. Many leaders in

the Congress which was in the opposition in 1990, when the terrorist violence erupted in the state, several leaders of the political parties in the United Front Government and many leaders in the left parties and parties professing commitment to socialism and classless society, went as far as to make wild claims that the accession of the State was conditional upon the recognition of its autonomous Muslim identity and the National Conference, led by Sheikh Mohamad Abdullah, had supported the accession of the state to India on the assurance of the Indian leaders that the Jammu and Kashmir State would not be intergrated into the secular constitutional organisation of India and would instead be reconstituted into a separate political entity on the basis of the Muslim majority character of its population. Inside the State, the Pradesh Congress, even the Janta Dal factions, blamed everbody: the Indian Government, the State Governments which they had themselves run, the Hindus, imperialist forces and foreign hands, for the onset of the militancy in the State, absolving the Muslim fundamentalist forces and secessionist movement of all responsibility for the death and destruction, the terrorist flanks had brought about. Most of these leaders indulged in self-condemnation and went as far as to enumerate the wrongs done to the Muslim community and their failures recognise to the right of the Muslim majority to reorgansie the State on the basis of the Muslim law and percept.

Many of these leaders demanded and insisted upon the restoration of the automous position, the State enjoyed before the constitutional changes embodied in the "Delhi Agreement", were implemented by the Presidential Ordinance in May 1954. The National Conference leaders demanded a political organisation for the State, which would be based upon the exclusion of the State from the constitutional organisation of India, by abrogating the application of the provisions of the Constitution of India, which were extended to the State by the Presidential orders of 1954, and the subsequent orders promulgrated to intergrate the State into the secular political organisation of India. They demanded a political package, to form the basis of the political process, scheduled to be initated in the State, to contain Muslim militancy which they proposed to envisage:

(i) Complete exclusion of the Jammu and Kashmir State from the constitutional organisation of the Constitution of India, extended to Jammu and Kashmir by successive Presidential Orders.

(ii) the recongition of the right of Muslims to reconstitute the state into a Muslim polity;

(iii) the recognition of precedence of the Muslim majority in the society, economic organisation and the government of the state and;

(iv) virtual relegation of the Hindus and other minorities in the State to a subject and surrogate people.

Another major political factor which was alleged to have led to the alienation of the Muslims was that they were denied participation in the political processes of the State Government and the Union Government had always manipulated the configuration of power in the State, to the exclusion of the Muslim masses Allegations were made that the electoral processes in the state were massive rigging. to keep out the "true representatives of the Muslims." It was claimed that, had fair elections been held in the State, the Muslims would have given to themselves a government, based upon Muslim law and precept and independent of the federal government of India. In a Muslim State, which would be based upon the religious law and precedent of Islam and in which the precedence of the Muslims would be recognised in economic, social and political organisation, the Muslims would not have needed to rise in revolt against India.

Allegations were also levelled against the Government of India that the Muslims had been denied the political power, which they were ensured by the separate constitutional organisation of the State . The successive State Governments were blamed of having organised the decision-making units in the State in a manner that were dominated by the Hindus, who converted the decision-making processes of the State Government to the disadvantage of the Muslims. Several left extremist leaders went to the extent of identifying the Muslim militancy with the conventional classwar in which the Muslims were characterised as the downtrodden and the exploited masses.

The Muslim leadership in the State. which had overtly and covertly supported the fundamentalisation of the Muslim society, also blamed the Government of India and the Hindus of having excluded the Muslims from their rightful share in the exercise of political power and the decision making processes of the State Government. They joined to denounce India for the ills which, they alleged, had led to the militarisation of the Muslim portest. The Muslim United front. a combine of several organisation ideologically commitfed to the Muslimisation of the State and its secession from India, the Jamait-Islami, the main fundamen-

talist Muslim organisation, and the dissident splinters of the National Conference, accused the Indian Government and the Hindus of having deprived the Muslims of political power by having rigged the electional held in 1987, and installed into power the National Conference-Congress coalation, headed by Farooq Abdullah. The National Conference leaders expressed their anger against the Government of Ir lia and the Hindus in their own way. Most of the Conference cadres, bred up in the anti-India movemnet led by the plebiscite front blamed the Congress leadership of having interfered with the function of the Conference government. In the moments of great crisis, when the militant violence began to spread rapidly and paralysed the entire administrative organisation of the State, the National Conference leaders denounced the appointment of Jagmohan as the Governor of the State, who was called by the rank and file of the Conference called the "Assassin of the Turkman Gate" and a sworn enemy of Islam. Farooq Abdullah, who headed the Conference-Congress Coalition Government in the State accused the United Front Goverment of interference in the affairs of the State with a view to scuttle the freedom of the Muslims. The Coalition Government resigned in protest against what the leaders of the Coalition Government termed as the deliberate attempt of the Indian Government to throttle the aspirations of the Muslim majority in the State. The Congress leaders in the State, as well as in India, joined the Conference in its condemnation of the quick and effective measures Jagmohan adopted to contain the rapidly escalatiing militant violence.

The Conference leaders added fresh candour to the disinformation campaign to cover the real motives behined the ethnic cleansing of the Hindus from the valley. They maae wild statements about the exclusion of the Muslims from the services of the State Government and the Government of India, which they alleged were dominated by the Hindus. The run-away leaders of the National Conference and the local Congress and the remanents of the left factions of the Communist Parties, who had not made public confessions of their guilt and fraternised with the Mujahids, and who had fled Kashmir before the Hindus did and had taken quarters in Jammu and the other towns of India, led the campaign to spread false stories and canards about the terrorist voilence in Kashmir. Flanked by swarms of special security officers and housed in well guarded fortresses, they commended the courage of the Muslims in Kashmir in having risen against injustice and denounced Jagmohan, the Indian security forces deployed in Kashmir and the Hindus

who had oppressed the Muslims and deprived them of their rights.

The human rights activists and many more people who saw their advnatage in furtharence of the Muslim crusade in Kashmir, ultimately a post cold war manoeuver to destablise India, joined them. The whole exercise was motivated by design to hide the real character of the militant violence in the State and its rabidly communal and separatist ideological commitments.

II

MUSLIM PRECEDENCE

After the accession of the State to the Indian Dominion in October 1947, the Government of Jammu and Kashmir State was reconstituted to give effect to the transfer of power to the people in accordance with the practice followed by the Government of India in the princely States. The transfer of power in the State was aimed to end the rigours of the princely rule and ensure the exercise of authority in accordance with the democratic process and the acceptance of administrative responsibility. However, the transfer of power in Jammu and Kashmir assumed a different direction. No sooner did the National Conference leaders constitute the first Interim Government, they abandoned their commitments to all secular norms and set out to reorganise the State on the basis of the communal precedence of the Muslim majority. The rapid transformation of the whole economic organisation of the State, which upturned the property relations, the Dogra rulers had established and which the Interim Government accomplished, ostensibly to eliminate exploitation and poverty, led directly to the emergence of a new Muslim middle class, which in the years to come, formed the mainstay of the Muslim separatist movements in the State. The first Interim Government secured the exclusion of the State from the constitutional organisation of India mainly to secure the social, political and economic interests of the Muslim majority in the State. In their parleys with the Indian leaders, the Conference leaders insisted upon the institution of a separate Constituent Assembly for the State which would formulate a separate constitutional framework and sets of political imperatives to safeguard the basic right of the people in the State independent of the fundamental rights the Constituent Assembly of India had evolved. More particularly, the Conference leaders vehemently opposed the acceptance of all rights to equality and protection of minorities, which the

Constitution of India envisaged on the ground that such rights conflicted with the economic reforms the Interim Government had undertaken. The Interim Government secured the abdication of Maharaja Hari Singh and after that, did not take long to assume total control over the authority of the State. In less than a year, the Hindus were eliminated from the economic organisation of the State, its government and administration. Sheikh Mohammad Abdullah, the Prime Minister in the Interim Government, who virtually became the ruler of the State, headed the Auqat-Islamia, the Muslim Endowment Trust, but demanded the dissolution of the Dharmarth, the Hindu Endowment Trust which the Dogra rulers had established. The Interim Government forged a new Muslim ruling elite, which ruled the State in the decades which followed, relegating the Hindus to a condition of abject servitude.

The Interim Government packed the Constitutent Assembly with Muslims, seventy three of its seventy five members were returned unopposed and without contest, the remaining two seats in the Assembly, were also bagged by the National Conference after their opponents were driven out of the contest. In the Assembly, around three fourth of the members were Muslims. The whole delimitation of the constituencies was based upon disproportionate distribution of population, ensuring the Muslim majority province of Kashmir a heavier weightage than the Hindu majority province of Jammu. When Sheikh Mohammad Abduallah denounced the Delhi Agreement in 1953, and demanded the separation of the State from the territorial jurisdiction of the Union of India, the handful of the Hindu members in the Assembly stood against him and supported the second Interim Government headed by Bakshi Gulam Mohamad. Few of the Muslim members of the Constituent Assembly offered their support to the second Interim Government, during those critical days after the dismissal of the Interim Government headed by Sheikh Mohamad Abdullah. Later the Muslim members were bought by Bakshi, for a fairly high price, which was paid only at the cost of the Hindus.

Bakshi did not end the Muslim precedence in the government and the society of the State and inspite of the partial application of the fundamental rights, envisaged by the Constitution of India to Jammu and Kashmir, the process of the elimination of the Hindus from the political and economic organisation of the State continued unabated. Bakshi Gulam Mohamad also continued to head the Muslim Endowment Trust, the Auqaf- Islamia. After the Constituent Assembly completed its labours

and a seperate constitution was promulgated in the State in 1957, Bakshi packed the first Legislative Assembly, on the basis of the constituencies delimited for the elections to the Constitutent Assembly. The Muslims of Kashmir were ensured perpetual heavier weightage in the elections to the State Legislature than the people in Jammu and Ladakh. During the last four decades, legislative majorities were predominantly Muslim. The demand of the Hindus of Jammu for a review of the delimitation and the four decades long struggle of the three lakhs ofHindus and Sikh refugess for the citizenship of the State, was never met.

The scourge of the Muslim precedence spread wider. Not only were legislative bodies and the political instruments dominantly Muslim, the entire administrative organisation was Muslimised rapidly within days after the Interim Government was saddled in office. The rapid process of summary removal of the Hindus from the State services was initated on the pretext of communal imbalances in the services, which the Conference leaders a lleged, characterised the administrative organisation of the State. The allegations were baseless.Glaring imbalances characterised the administration of the State, but the imblances were not communal in character. The State was virtually governed by the British and their officers in the Indian Political Department, which were posted in the State to conduct its administration. The Dogra ruling elite was not Hindu, it was constituted of the small agrarian middle class, which was equally Muslim. The services of the State were dominated by the British and the men of the Indian Civil Service, besides the clansmen of the ruling dynasty and a section of the Dogra ruling elite, almost half of which was constituted by the Muslims. The ranks of the State army were divided in a ratio of 55 percent Hindus and 45 percent Muslims, mostly drawn from the non-Kashmiri speaking subjects of the Dogra rulers. The Hindus of Kashmir and Jammu, who had taken to English education far ahead of their Muslim compatriots, were employed in subordinate services, on petty posts, and they licked the mud for the Raj as well as the British empire.

The Interim Government, removed the senior Hindu Officers of the State Government on charges of having supported the Dogra rule, replacing them by the henchmen of the National Conference and political adventurists. A virtual embargo was imposed on the employment of the Hindus of Kashmir in the State services, apparantly to rectify the alleged communal imbalances but in reality to Muslimise the various instruments of authority as well as the lines of its control.

The partial application of the Constitution of India in 1954 and the promulgation of the Constitution of Jammu and Kashmir in January 1957, upheld the precedence of the Muslim majority. The application of the fundamental rights envisaged by the Constitution of India to the State by virtue of the Presidential order of May 1954, was restricted by numerous exceptions and reservations. This armed the State Government with arbitrary powers to effect reservations for classified sections of permanent residents of the State, which the successive State Government used ruthlessly to promote Muslim interests.

The following facts reveal the extent of domination and precedence the Muslims, particularly the Muslims of the Kashmir province, enjoyed in the Government and politics of the State :

(a) The imbalances in the delimitation of constituencies in the two provinces of Jammu and Kashmir and the exclusion of two and half lakhs of Hindu refugees, living in the State from 1947, from permanent residents of the State, was mainly aimed to reduce the weight-age of the Hindus in the legislative processes of the State, ensuring a three-fourth majority for the Muslims in the State Legislative Assembly. The representation of the Hindus was maintained at an average 31 percent of the seats in the Legislative Assembly. The entire Sharnarthi population was deprived of any representation in the local legislative bodies. In the delimitation of the electoral constituencies, gerrymandering was meticulously used to neutralise the decisive Hindu and Sikh weight age in, at least, three constituencies viz; Habbakadal, Anantnag and Baramulla in the Kashmir province and three constituencies in the Districts of Doda and Udhampur. Consequently in Kashmir, the Hindus and the Sikhs did not have even a single non-Muslim majority constituency, where from a representative of their choice could be elected to the Legislative Assembly of the State. Generally, the Hindus and other non-Muslim representatives, elected to the State Legislative Assembly from Kashmir, were mercenaries and men of small virtue, who never enjoyed the confidence of their community. The records of the proceedings of the Legislative Assembly reveal how the Hindu representatives supported the legislation aimed to exclude Hindus and other minorities from the organisation of the State Government and its political function and impose limitation on their entry to the educational institutions of the State. It will not be out of place to mention here, that when controversy raged over the passage of the Resettlement Bill, which the National Conference Government, headed by Sheikh Mohamad Abdullah introduced in the Assembly, to open the

floodgates for the re-entry into the State, of the Muslims from Pakistan and the occupied territories, the Hindu representatives did not voice their disapproval of the Bill, which they were repeatedly told would prove disasterous for the State. None of the Hindu legislators, except those from Jammu, who were elected by the opposition, raised the issue of the thousands of Hindu refugees uprooted from the territories of the Kashmir province occupied by Pakistan.

(b) Right from 1947, the Muslims adorned the office of the highest political executive of the State. The four Prime Ministers of the State, who headed the political executive till 1965, were Muslims and the six Chief-Ministers of the Congress and the National Conference Governments, who followed, were also Muslims. In the Councils of Ministers, during the last four and half decades, the Hindus, Buddhists and the other minorities held an average of 26 per cent of the ministerial offices, the rest being held by the Muslims.

(c) In the various decision-making clusters of the various political party organisations including the National Conference and the Congress, which ruled the State during the last four decades, Hindus of Kashmir were always left unrepresented.

(d) The maximal parliamentary patronage was appropriated by the Muslims of Kashmir and the Muslims in the Jammu province to the disadvantage of the Hindus;

(e) In the decision-making units of the State administration, the representation of the Hindus of Kashmir was always negligible. The decisional units of the State Government were always dominated by the Muslims of Kashmir province, excluding the Hindus completely. Almost all the Heads of the Departments in the State administration, were Muslims. An unwritten instrument of instruction operated to eliminate the Hindus from the various decision-making bodies and governed the appointment of the heads of the administrative divisions and staff agencies. An average of less than 26 percent, including the lent officers of the Government of India, and the officers of the Indian Administrative Services, were Hindus. An average of 68 percent higher posts in the State Government were always monopolised by the Muslims. The major public enterprises, state corporations, educational institutions of higher learning and colleges imparting technical education in the Kashmir province, were invariably headed by the Muslims.

(f) In the administrative organisation of the State, the Hindus of Kashmir, with 88 percent literacy, shared an average of 4.8 percent of the State services, including the services in the public enterprises, corporations and government undertakings.

(g) In the services of the Central Government, including the Jammu and Kashmir Bank, the services of corporate undertakings of the Central Government, the defenceservices, the Beacon organisation and the communication system of the Central Government, the Kashmiri Hindus shared only 12 percent of the available employments, whereas the Kashmiri Muslims shared 38 percent of the available employments.

During the period 1980 to 1990, when the Muslim fundamentalist movements assumed ascendence and the secessionist forces tightened their hold on the administrative organisation of the State, the recruitment of Kashmiri Hindus to the State services and services in other corporate bodies, was reduced to an average of 1.7 percent. Several communal government orders were struck down by the Supreme Court of India and the High Court of the State. But ways and means were devised by the State Government to circumvent the judicial decisions to enforce the exclusion of the Kashmiri Hindus from employments which otherwise were their due. The embargo on the recruitment of the Kashmiri Hindus was extended to their employment in the teaching staff of the higher secondary schools, colleges and post-graduate departments of the University of Kashmir as well as the Agricultural University, the Medical College, the Engineering College and the Institute of Medical Sciences inspite of the fact that the Hindus possessed not only adequate but higher qualifications and professional excellence.

The elimination of the Hindus in Kashmir from all political processes and functions, was extended to the admission of the Hindus to educational insitutions in the State, and grant of scholarships and nomination for training and higher studies outside the State. It is a little known fact that during the last forty seven years the admissions of Kashmiri Hindus to various academic institutions, institutions of higher learning, Universities, technical colleges, including the Regional Engineering College, the Institute of Medical Sciences Government Medical College and the university of Kashmir, were restricted to an average 8 percent of the total adimissions made every year. Incidentally, the Kashmiri Hindus constituted more than 8 percent of the population of the Kashmir province. A bare 2 percent of Kashmiri Hindus were awarded nominations and State grants for higher studies and trainings outside the State.

Communal Government orders were issued from time to time, implementing classification undertaken by the State Legislature to define, socially and educationally backward classes to ensure the Muslims a wider reservation for admissions to the educational institutions. Many of these communal Government orders were struck down by the High Court of the State and the Supreme Court of India. Undeterd by severe censure by the highest courts of the land, the State Government refused to change its policy and the scourage of reservations contined to ravage the Hindus. A computation of the data regarding admission of Hindus to the techincal colleges, training courses and post-graduate classes in Kashmir, during the last forty seven years, shows that they were subject to gross discrimination inspite of the meritorious grades secured in their qualifying Board and University examinations. On an average basis only 7 per cent of the Hindus were admitted to the technical colleges, though 63 per cent of the Hindu applicats possessed a first class with 60 percent or more marks, whereas 76 percent of the Muslim candidates were admitted to the technical colleges, though only 31 per cent of Muslim applicants possessed first class with 60 per cent or more marks in their respective qualifying examinations. In the admissions to the technical training colleges, 12 percent of the Hindu candidates were admitted though 66 perc ent of the Hindu applicants possessed a first class with 60 per cent or more marks in the qualifying examination, whereas 82 per cent of the Muslims were admitted to the techincal training colleges though only 28 per cent of the Muslim applicants possessed first class with 60 per cent or more marks. In the admissions to the post-graduate courses, only 14 percent of the Hindu candidates were admitted though 41 per cent of the applicants possessed first class with 60 per cent or more marks whereas 78 per cent of Muslim candidates were admitted to the post-graduate classes, though only 14 percent of the Muslim applicants possessed first class with 60 per cent or more marks.

Apart from the wide range of of the state patronage the Muslims enjoyed, and the extensive hold they exercised over the instruments of the authority of the State Government, their interest articulation was phenomenally high. With the financial support and patronage provided by the Muslim middle class and the State Government, besides the funds received from abroad, a wide-spread network of media-means was established over the years for the interest articulation of the Muslims in the State and their political expressions. The Muslims in Kashmir owned more than 72 daily newspapers, news journals, weekly news-magazines and other periodicals. In contrast the Hindu owned, 4 newspapers, news-magazines, journals, one of which was in English and which were hardly published

with the regularity and effect the newspapers owned by the Muslims were published. Evidently, the impoverished Hindu community could not sustain their publication. The State patronage was monopolished by the newspapers owned by the Muslims and the Hindus enjoyed no financial backing from any sources inside or outside the State.

The vernacular newspapers, owned by the Muslims, were mainly committed to religious propagation, promotion of Muslim separatism and communalism, the justification of the autonomy of the State and the exclusion of the state from the Indian political organisation. Most of the vernacular newspapers continued a sustained attack on the secular social organisation of India, demanding freedom for the Muslims of the State to opt for "Nizam-e-Mustafa" or the Islamic political order and their liberation from the clutches of India. Many of the newspapers preached Muslim communalism openly, a policy which earned them greater approbation of the bosses of the political parties, including the parties which were ostensibly committed to secularism, the Muslim middle class and the third generation English-educated youth, brought up under the influence of the secessionist movements. More popular of the dailies published invective against the Hindu minority, particularly, the Kashmiri Pandits, who had brought about the enslavement of the Muslims to India. A large-scale and sustained attack, was maintained, in many of the vernacular dailies and news-magazines against the culture, the history, the social mores and tradition of the Hindus of Kashmir. The ancient history of Kashmir was denigraded as a past, which the Muslims of Kashmir refused to own.

No restraints were ever imposed on the publication of these newspapers, even sanctions of secularism were not invoked against them. Many of them preached secession of the State from India openly and with candid frankness. But their freedom to preach treason was never questioned.

III

ECONOMICS OF MILITANCY

The second aspect of the disinformation campaign about the militant violence is pertaining to the alleged economic deprivations, the Muslims faced in the State. The local political leadership, specifically the leadership of the National Conference and the splinters of the Muslims

United Front, a section of the Muslim leadership of the Congress, the left parties and some of the constituents of the Janta Dal, blamed the Hindus of having appropriated economic advantage at the cost of the Muslim majority. The Muslims, they alleged, were compelled by poverty and economic depression to resort to armed resistance against India.

The total population of the State according to census of India, conducted in 1981, was 59,27,389 of which 19,30,448 were Hindus, 38,43,451 were Muslims, 1,33,675 were Sikhs, 69,706 were Buddhists, 1,576 Jains, and 2,481 Christians. The population figures, quoted above did not include the two and a half lakh Hindus and Sikhs, who migrated to Jammu and Kashmir in 1947, and the Hindus and Sikhs who were displaced from the territories of the State occupied by Pakistan and who have lived in the State ever since. These people are still awaiting settlement in the State. This has been in contrast with the expedition and efficiency with which the Muslim refugees from Tibet, who claimed Kashmiri lineage and who migrated to Kashmir in the wake of the Chinese annexation of Tibet in 1950, the Afghan refugees and thousands of Muslim immigrants, who sneaked across the Cease-Fire Line, from the occupied territories, in the wake of the Indo-Pakistan conflict of 1965, and the Bangladesh War of 1971, were settled in both the provinces of the State. These ugly facets of the Indian policy towards Kashmir and the double standards of the State Government have hardly been known outside the State and have generally been lost in the din of the orchestrated tradition of tolerance and secular values of the Muslim leadership in Kashmir.

The total population of the Hindus according to the Census of 1981, formed 32.4 percent of the total population of the State. The population of Sikhs fromed 2.1 percent of the population of the State and the population of Buddhists constituted 1.1 percent of the population of the State. The population of the Hindu and Sikh Sharnarthis, refugees still awaiting settlement, constituted 4.1 percent of the population of the State. Added together, the population of the Hindus, the Sikhs and the Buddhists in the State, constituted 39.7 percent of the population of the State.

The population statistics of the State have been cited here to provide a broad background of the demographic composition of the State, to

(i) remove various misconceptions about the relative strength of the different communities in the State, including the Muslims in Kashmir;

(ii) bring to surface the consistent effort of the successive State governments to distort the population statistics of the Hindus in the State;

(iii)show that a large part of the Hindu population; the refugees who settled in the State in 1947, and the displaced persons of the occupied territories of "Azad Kashmir", were always excluded from the population statistics of the State during the last forty seven years;

(iv) expose the consistent efforts of the State Government, under whose instructions and supervision the census operations were conducted to tamper with the population figures of the Hindus in Kashmir, a fact clearly borne out by the stark contrast of the figures of the Hindu population estimated by the census authorities and the actual number of the Hindus who migrated from Kashmir;

The Jammu and Kashmir is a prosperous State, which in terms of per capita in come is placed fourth among the Indian States. There was a continous rise in domestic product of the States in terms of crores of rupees from 249.59 to 458.10 at constant price (1970-71) in 1985-86 and the growth registered in this behalf at current price in 1971-76, rose from Rs. 249.59 crores to 1,479.49 crores.

The per-capita growth registered between 1970-71 to 1985-86 was from Rs 548 to Rs 2,204, at curent price and Rs 548 to Rs 683 at constant price of 1970-71. The prosperity of the Muslims accounted for a greater share in the figures cited above due to more favourable allocation of financial resources for the Kashmir division, varying between 65 to 69 percent as compared to 35 to 31 percent allocated to the two divisions of Jammu and Ladakh.

The widespread propaganda campaign about the so-called economic deprivation of the Muslims of Kashmir, was designed to conceal the real import and objectives of the militancy and was aimed to mislead the Indian public opinion in order to provide tactical advantage to the secessionist forces working against the unity of the country. The Muslims in the province were and still are, a prosperous community. The Muslims of Kashmir dominated the economic organisation of the State, as shown by the following facts :

(i) The Muslims in Kashmir owned 97.4 percent of the agricultural land, leaving 2.6 per cent of agricultural land in the ownership of the Hindus and the other minorities, who together constituted about 11 percent population of the province.

(ii) The Muslims owned 96 percent of the fruit orchard acerage in the Kashmir province, whereas the Hindus owned only 2.8 percent of the fruit orchards.

(iii) The Muslims in Kashmir owned98.7 percent acerage of Kareva highland, growing saffron, whereas the Hindus owned 0.03 percent land yielding saffaron.

(iv) The export of dry fruit: almond, and walnut, was a monopoly of the Muslims in Kashmir, the Hindus having neglible or no share in the export of dry fruit from Kashmir.

(v) The export of precious walnut and willow-wood was wholly a monopoly of the Muslims, the Hindus having no share in it.

(vi) The employment of the Muslims in the horticulture industry approximated to 8 lakhs of people working on 4,81,000 orchard holdings. The employment of Hindus in the Horticulture indus try was less than 0.5 percent.

(vii) Of the industries using electric power in Kashmir province, 98.9 per cent were owned by the Muslims and only 0.02 per cent were owned by the Hindus.

(viii) The handicrafts and handloom industry of Kashmir divisionwas almost wholly owned by the Muslims and provided employment to 91,941 persons, among whom only 0.4 per cent were Hindus.

(ix) The membership of the handicrafts and handloom cooperative societies in 1985-86. the years, when the Muslim fundamentalits were getting militarised, was 17,776, of which only 0.3per cent belonged to the Hindus in Kashmir.

(x) In 1985-86, the number of small-scale industries and industrial units registered with the Directorate of Industries in Kashmir province was 46,293. The number of units registered in the name of the Hindus of Kashmir estimated to only 0.01 percent. 98.7 percent of the industrial units were registered in the name

of the Kashmiri Muslims.

(xi) The Khadi and village industries registered under Khadi and Village Industries Board, provided employment to 28,110 persons. 98.8 percent of the employees were Muslims.

(xii) The road transport in the State, the primary means of communication in the absence of any railways, was owned by Muslim transporters and transport companies, with the Sikhs having a marginal 4.2 percent share among them. The Hindus of Kashmir had a negligible share in the transport organisation of the State.

(xiii) According to the statistics and figures collected from the Government sources for the years 1985-86, the State Transport Corporation employed 6,434 persons of which the Kashmiri Hindus accounted for 0.8 percent.

(xiv) According to the figures available for the year 1985-86, from the government sources, the entire boat transport in the State was monopolised by the Kashmiri Muslims. The number of the various types of boats, was as follows :

Type of Boats	Number	Number of persons employed
(a) Tourist House Boats	825	3300
(b) Passenger Boats	1152	2304
(c) Carriage Boats	685	1037
(d) Fishing Boats	480	960
(e) Passenger House Boats (Tourist Doonga)	275	825
(f) Taxi boat	785	1570
Total	4232	9996

The entire fleet of the boats of various types, listed above, was owned by the Muslims. The fleet included the high cost luxury house-boats, which

had considerable commercial value.

(xv) The hotel industry is a highly lucerative industry in Kashmir. It was always a closed preserve of the Muslims of Kashmir. The Muslims owned about 96 percent of the hotel property in Kashmir, the Hindus owned only 2.2. percent of the Hotel property in Kashmir.

(xvi) 94 percent of the State subsidy paid on horticulture, agriculture, agricultural implements, fertilisers, pesticides etc. was appropriated by the Muslims in Kashmir with 2.4 per cent and less of the subsidies received by the Hindus.

(xvii) The Muslims appropriated the whole of the State subsidies on industrial loans, exports, self employment schemes etc. The share of the Hindus of Kashmir in such subsidies was negli gible; less than 0.1 per cent.

(xviii) The share of the Hindus in the industrial loans, provided by the State Government, the loans on self-employment schemes, loans on small scale and handicraft industrial units and the lands alloted for the establishment of such industries, was negligible; less than 0.1 per cent.

(xix) The Hindus were almost excluded from contracts and public works undertaken by the Government and were given, on an average, a share of 4 percent in the works undertaken by the State.

(xx) The share of the Hindus in the exploitation of forest products till the forests were nationalised in 1979, was 6.2 percent.

(xxi) The licensing for quarrying, mining of marble brick-kilns, was a monopoly of the Muslims.

(xxii) The manufacture and export of carpets, of Kashmir was a monopoly of the Muslims of Kashmir.

(xxiii) The manufacture and export of shawls of Kashmir was a monopoly of the Kashmiri Muslims.

The Muslims in Jammu and Kashmir were never the oppressed masses in the State. In the Dogra regime, they formed an important part of the Dogra ruling class. After the accession of the State to India, they ruled the State in the name of Islam, exercised unristricted authority and power, replaced the middle class the Dogras had forged in the State, by a formidable Muslim middle class, to provide an economic base for the Muslimisation of the State. After the communalisation of the government and society was accomplished, they demanded the separation of the State from India, as a condition for the realisation of their Muslim destiny. The militant violence, which struck the State in 1989, and which continues unabated, marked the culmination of the Muslim struggle for the secessation of the State from India and its unification with the Muslim Commonwealth of Pakistan.

The terrorist violence provided Muslim secessionism a militant dimension, which the Muslim elite in Kashmir and Pakistan realised would deal India and the Hindus a below, from which they would not recover. The Hindus, unarmed and without help, were unable to with stand the sudden military offensive which the Muslim militant organisations mounted against them. After having suffered heavy casualities, they withdrew from Kashmir, leaving the Indian Government to face the militant onslaught as best as they could. The tragedy is that the men who wield power in India are still unable to decide whether they are fighting Muslim communalism in Jammu and Kashmir or their own intransigence to bear the brunt of the truth, they concealed for the last forty-seven years.

4

Genocide of Hindus

After the Independence of India, the one community in India which suffered for its commitment to patriotism and Indian unity, was the minority community of the Hindus in the Jammu and Kashmir State. The Hindus constantly faced the accusation of the Muslims that they had conspired with the Government of India to secure the accession of the State to India against the will of the the Muslims. They suffered the charge that in 1947, they had, with the help of the Hindu ruler of the State, Maharaja Hari Singh and in connivance with the leaders of the National Conference, treacherously sabotaged the Muslim endeavour to achieve the integration of the Muslims of Jammu and Kashmir with the Muslim homeland of Pakistan. They were also indicted for having opposed the Muslim resistance against the accession of the State to India. They bore the brunt of the Muslim precedence, the National Conference established in the State and after the National Conference broke up in 1953, they were proclaimed the enemies of the Muslim movement , the Plebiscite Front led in the State. Even after the Plebiscite Front was wound up in 1975, the condemnation to which the Hindus were subjected, did not end. They continued to be charged of being the arch enemies of the Muslim nation of Kashmir, a threat to the Muslim religion and its political solidarity and the motive force behind all secular processes in the State which obstructed the Muslim struggle for Pakistan. In fact, they faced the first crucifixion for their loyalty to their country. The first shots fired by the militants were received by the Hindus.

Among the accusations piled upon the Hindus in Kashmir, the following were the prominent:

(i) that they misled the leadership of the Muslim Conference in 1939, and ensured the Muslim Conference leaders to accept secularism as the basis of the Muslim struggle against the Dogra rule;

(ii) that they supported the accession of the State to India and

actively worked to consolidate the Indian hold over the Muslims in the State;

(iii) that they subotaged the secessionist movement aimed to disengage the State from India;

(iv) that they supported the merger of the State in the constitutional organisation of India;

(v) that they were severely opposed to the Muslim precedence; and

(vi) that they did not accept the primacy of Islam and obstructed the Muslimisation of the society and Government of the State.

The accusations were not unfounded. The Hindus in Kashmir fought for Indian unity and freedom from foreign rule, shoulder to shoulder with the people in the Indian States. The first ever held Conference of the Indian States People, convened in 1927, was presided over by a fire-brand Kashmiri Pandit, Shankar Lal Kaul, who had left Kashmir after having been removed from the State services on the advice of the British Resident. Kaul demanded the right of the States People to repudiate the princely order and called for a united struggle of the people in the Indian States and the British Provinces against the British rule. A decade after, the All-India States Peoples Conference, in its session at Ludhiana, reiterated the demand Kaul had made for the repudiation of the Paramountacy and the end of the princely rule in the Indian States.

Pandit Dwarika Nath Kachroo, a veteran Kashmiri Pandit freedom fighter and a close associate of Jawahar Lal Nehru, served the States Peoples movement, as the Secretary General of the States Peoples Conference, during the most formative years of its development. He was arrested in Kashmir along with Nehru in the 'Quit Kashmir' movement. Later, Kachru represented the All-India States Peoples Conference in the historic meeting of the Working Committee of the National Conference held in October 1947, in which the Conference decided unanimously to support the accession of the State to India.

The Hindus of Kashmir extended their support to the Indian national movement right from its revolutionary days and demonstrated their fraternal solidarity with the people of India in the Civil Disobedience, which followed the Rawlatt legislation in 1919, the Khilafat Movement in 1921, and the Salt Satyagraha in 1931. Many of them, including Pandit Kashyap Bandhu, joined the revolutionary underground in India which actually shook the roots

of the British empire.

The Muslims of Kashmir, inspired by Pan-Islamism, which prevaded the Muslim outlook in India till the British left, adopted an attitude of active opposition to the Indian struggle. The Muslims in the State never lost sight of the identity of their interests with the British and spared no efforts to help them to undo the Dogras and provide them support in their endeavour to smother the liberation movement in India. They strongly opposed the State-Subject movement led by the Kashmiri Hindus, which was mainly aimed to forestall any attempt the British made to acquire land in the State. In fact, the Muslims in their Memorial, submitted to Maharaja Hari Singh in the aftermath of the Muslim agitation of 1931, blamed the State Government of having connived with the Hindus in organising demonstrations in the State in support of the Congress movement, which, they alleged, went against their loyality to the British empire.

In truth, it was the Hindu community in Kashmir which by its exhibition of tolerance and forebearance and a long campaign of education in secular values, laid the foundations of a secular, non-partisan and non-communal movement in the State. The declaration of the National Demand, which was issued by Hindus and Muslim leaders of Kashmir in 1938, and which in the later days, formed the basic groundwork of the movement for self-government in the State, was drafted by the Kashmiri, Hindu leaders. The Decleration of National Demand became the basis of the emergence of the National Conference in 1939.

The Muslim Conference, which spearheaded the Muslim agitation against the Dogra rule in the State, was converted into a secular organisation, the National Conference in 1939, with active collaboration and support of the Hindus in Kashmir. The Hindus joined the ranks of the National Conference on the terms which the Muslim leaders laid down. The Muslim leaders who did not join the National Conference broke away to continue their struggle for the Muslims and aligned themselves with the Muslim League movement for Pakistan. They accused the Hindus of Kashmir, particularly the Kashmiri Pandits, of having divided the Muslims of the State on the instigation of the Congress and other Hindu leaders of India. This accusation was never washed away. The ideologues of the Muslim terrorism repeated the indictment.

The Hindus allowed the escheat of their landed estates, the confiscation of their property, and their exclusion from the administration of the State and accepted political change which sought its legitimacy in the primacy of Islam, to provide the Government of India

support in the United Nations, where the Indian representatives were seeking hard to prove more Muslim than the Muslim nation of Pakistan to justify the accession of the State to India. The Kashmiri Pandits went as far as to applaud the long harrangues delivered by Sheikh Mohammad Abdullah in the Security Council, which in substance, embodied the Muslim claims to the nationhood of Kashmir on the basis of the Muslim religious injunction.

The Hindus bore the first impact of the upheaval which followed the dismissal of Sheikh Mohammad Abdullah in 1953, and in fact, they took to the streets in support of the second Interim Government, demonstrating their solidarity with the Government of India. For twenty-two years, they fought with dogged resolution, the movement for plebiscite, which Sheikh Mohammad Abdullah and the Plebiscite Front led. After the Accord in 1975, they found themselves arranigned against the Pan-Islamic fundamentalism which assumed the leadership of the secessionist movement in the State after the Plebiscite Front was dissolved.

The secessionist forces charged them of obstructing the liberation of the Muslims in the State and the State Government charged them of acting on the behest of the Indian Government, to spread Hindu communalism in the State. The National Conference leaders charged the Kashmiri Hindus of acting as the agents of India. The Muslim wrath fell upon them, when widespread anti-Hindu riots broke out all over the south of Kashmir in 1986.

The Kashmiri Hindus earned the heaviest Muslim censure for their avowed opposition to the exclusion of the State from the constitutional organisation of India. They were openly branded the enemies of the Muslim identity of the State. Indeed, the Hindus all over the State, including the Sikhs and the Buddhists, did not approve of the exclusion of the State from the constitutional organisation of India. They implored with Nehru and the other Indian leaders not to allow the isolation of the State from the mainstream of the Indian political life. While a widespread agitation against the exclusion of the State from the constitutional organisation of India was launched by the Hindus in Jammu, the Hindus in Kashmir sent several communications to the Government of India, pointing out the dangers in excluding the State from the Indian political organisation and the damage that would be done to the evolution of integrated and secular political institutions in the State. The National Conference, the Plebiscite Front and the other Muslim organisations denounced the Hindus as the fifth column of Hindu communalists of India, who sought to end the Muslim identity of the State.

In the province of Jammu, the Muslim leaders of the National Conference cracked under the pressure of the dominant Hindu majority and frightened by the Hindu backlash offered to separate the Hindu majority districts of the province from the rest of the State. The Hindus of Jammu rejected the dismemberment of the State on communal lines and reemphasised their demand for the integration of the State in the secular political organisation of India. In Kashmir, however, they reduced the Hindus, particularly the Kashmiri Pandits, to a subject population, outcaste and branded them enemies of the cause of the Muslims and their religious identity.

Imrpoverished by their exclusion from the economic organisation of the State and their elimination from all the political processes, the Hindus lost the ir initiative and became the hostages to what was later called "the Muslim identity of Jammu and Kashmir". They were subject to religious persecution, their temples were desecrated; many of their temples disappeared completely, among them the famous temple of Vishnu, located in the flank of Jama Masjid in Srinagar. As the secessionist forces gained the upper hand, pressure was mounted upon them and thousands of them abandoned their homes. No wonder that during the last four decades about two lakh of Kashmiri Hindus quitely migrated to the other parts of the country. The blitzkreig assault, the terrorists delivered upon the Hindus in the Valley in January 1990, was the last blow, dealt out to them to uproot them completely and put an end to the last measure of resistance they still offered to Muslim communalism.

I

THE MINORITIES

Within the broad scheme of the militarised secessionist movement in the State, carried on by the Muslims, the elimination of Hindus from Kashmir had obvious tactical advantages. These were :

(i) The elimination of the Hindus would destroy the groundwork of all secular institutionalisation in the State, which would render all ideological commitments to the secular unity of India utterly redundant.

(ii) The liquidation of the Hindus and their exodus would destroy the credibility of the Government of India among the Muslims

of Kashmir.

(iii) The elimination of the Hindus would break the psychological contact, a large section of the Muslims, still continued to have with the Indian support structures in the State.

(iv) After having flushed the Hindus from the Valley, the Muslim psyche could be easily exposed to more persuasive fundamentalist indoctrination.

(v) The elimination of Hindus would ensure the rupture of important communication and feedback channels of the Government of India, which the Hindus always endeavoured to keep open.

(vi) The helplessness of the uprooted Hindu masses, would break the resolve of the Hindus in India, as well as the government of India to hold any furthur in Kashmir.

(vii) The exile of the Hindus would mark the first step towards the conversion of Jammu and Kashmir into a Muslim State and its eventual separation from India.

By and large, the militants succeeded in their broad designs in eliminating the Hindus in Kashmir. They destroyed the traditional population balances which formed the bases of the coordinate plurality of the State, replacing it by a communal identity of the Muslims, which found its legitimacy in Islamic fundamentalism. The psychological contact which had always been vital to the community relations in Kashmir as well as the Muslim support structures of India, were wiped out and the Muslims, who did not support the secession of the State, gave way after they saw the apathy with which the Government of India watched the death and destruction of the Hindus. The Hindus uprooted from their land, are now smouldering in exile, unburdened of their illusion about Indian secularism and Indian commitment to resist separatism and violence.

In utter irrespondibility and abject surrender to secessionism, the Indian leaders ran from pillar to post making wild offers to the Muslims, the militants, the subversives, whoever came their way, flinging to wind, their commitments to Gandhian values, communal harmony, secularism, socialism, democratic process and national integration. A delegation of the political parties, in which were included the Indian leaders of such eminence like Devi Lal and Rajiv Gandhi, and the doyens of the Left Front, went to Srinagar to be greeted by the worst ever invective heard by the most

ordinary Indian citizen in Kashmir, besides the of repeated cry of 'Indian dogs go back.

The terrorist organisations carried out systematic operations to massacre the Hindus and flush them out of the Kashmir Valley. As the death toll of the Hindus increased, they began to evacuate from the Valley in larger numbers. The State Government reacted to the elimination of the Hindus with utter passivity and indifference. The Janata Dal Government lacked the will to deal with terrorist violence. With the Home Department of the Government of India, placed under a Kashmiri Muslim, who too was committed to the precedence of the Muslim majority in the State, and who carried out the behests of the powerful Muslim lobbies in the Janata Dal, the State Government could not deal with the terrorist violence with any firmness. The ludicrous drama of the kidnapping of Rubiya Sayeed, the daughter of the Home Minister and the consequent breakdown of the Central Government, had left little moral strength with the State Government to face the terrorist challenge. The brief spell during which Jagmohan tried to retrieve the situation, was a half-hearted endeavour, which ultimately ended in a fiasco.

II

QUIT KASHMIR

The rumblings of the storm, which engulfed the Hindus in Kashmir were heard, long before it burst. Right from the beginning of the year, 1989, the non-Kashmiri Pandit Hindus in Kashmir, professionally a trading community, were served with notices to quit Kashmir because they were Indian Hindus, and had acquired interests which impinged upon the rights of the Muslims in the Valley. The trading interests all such Hindus had, were nominal and did not form even one per cent of the trade and commerce, the Muslims in Kashmir controlled. About thirty thousand in number, most of the Hindus were petty shop-keepers, professionals, technicians, forwarding agents and business executives. They had no conflict of interests with the Muslim middle class, of which they did not even form a fringe. The threats administered to them were mainly the part of a plan to dislodge them from the Kashmir and since they were not Kashmiri Pandits, it was easier to flush them out.

The threats were followed by bomb-blasts in their homes and business

establishments. In several townships many of their shops and residential houses were set on fire. Rumours were spread around and many reports appeared in the local vernacular press in Srinagar that the non-Kashmiri Pandit Hindus were plotting against the Muslims in the State and were recruiting Hindu youth to the ranks of the Rashtriya Swayam Sevak Sangh and Shiv Sena. The allegations were baseless, first because the non-Kashmiri Pandit Hindus formed an apolotical microscopic section of the Hindu society in Kashmir. The threats administered to them were, therefore, part of a political plan to dislodge them from Kashmir. They had during the entire period of turmoil after 1947, never been involved, unlike the Kashmiri Hindus, in any political crisis in the State and had kept scrupulously aloof from the political developments in the State. Their number was so infinitesimally small that they could never dare to do any thing which earned them the hostility of the Muslims. Slowly the threats began to have their effect and many of the non-Kashmiri Pandit Hindus sold their residential houses and shops at throw-away prices to eagerly waiting Muslims who were provided funds to purchase the property by Muslim financial agencies along with several other Muslim organisations in the State. By the time the militant s opened up their main attack on the Kashmiri Pandits, the non-Kashmiri Pandit Hindus had already been dislodged from the Valley.

While the militants maintained pressure on the non-Kashmiri Pandit Hindus, they opened up their assault on the Kashmiri Pandits. The main militant organisations intensified their compaign of hatred and villification, which the Jamit-Islami, Jamait-ul-Tulba, the People's League and the Muslim United Front and its various factions had already been carrying on against them. The secessionist organisations used the Muslim mosques for mass propaganda and called for a Jehad against the traitors who opposed the secessionist movement in the State and served the Indian interests. Claiming to fight for the liberation of the State from Indian imperialism, they called upon the Kashmiri Pandits, the Hindus and other minorities to join their struggle, promising them protection to which they would be entitled as a minority in a Muslim State governed in accordance with the precept and precedent of Islam. In the villification compaign, the entire Urdu press, controlled and financed by the Muslim middle class factions, ideologically committed to the disengagement of the State from India and the pro-Pakistan financial agencies and organisations, joined to denounce all those people who did not support the militants as the traitors to the Muslim nation of Kashmir and its freedom from the Indian yoke. The Urdu press, largely blamed the Hindus of having usurped the right of the Muslims to opt for Pakistan and having helped India to annex it by fraud

and force. Several of the Urdu dailies and weeklies, published materials derogatory to the Hindus, full of invective denegrading their history and culture. Most of these outbursts were hysteric in their denunciation of the part, the Kashmiri Hindus had played in neutralising the struggle of the Muslims, for self- determination. Throughout the summer of 1989, many dailies and weeklies carried notices and warnings addressed to the people who supported secularism and Indian unity and the accession of the State to India, to prepare for the day of their reckoning.

While the propaganda campaign of the press intensified, the various militant organisations began to administer threats to the Kashmiri Hindus, by serving them with notices asking them to stop their anti-Muslim activties and prepare to leave the Valley. Most of these notices were delivered to them in the darker hours of the night or pasted on their compound doors or sometimes sent by mail. In the initial phases, most of the Kashmiri Hindus maintained scrupulous silence over the threats they received, partly because they were hardly prepared to face a situation in which they were pitted against the Muslims, partly because they expected little help from the Muslim administration of the State, which was as hostile to them as the militants and partly because they still believed that the Indian security organisation was strong enough to deal with any threat the Muslim extremists posed. Many of the Kashmiri Pandits, however, conveyed their fears to the State Governor and the Government of India. Alarm was also raised by some national newspapers about the menacing strength the terrorists were fast gathering. The State administration took no note of the psychology of fear, militancy had created aboundantly and, in fact, castigated many well meaning citizens for overreacting to a situation which did not deserve much attention.

At several places the business establishments, temples and residential quarters of the Kashmiri Hindus were subject to attack. In the more remote villages, where the population of the Hindus was sparse, many temples were desecrated and the adjoining land belonging to many temples forcibly occupied. In many places the Kashmiri Hindus were counselled to abandon their religion and join Islam. Dumb-founded, the poor folk endured the insults and injuries without demur. Inside their conscience, however, they were hurt and feelings began to grow among them that they could no longer live safely with their faith in their ancestral land and the choice before them was conversion to Islam or unbearable harassment and death.

In many villages, the terrorists exacted large sums of money from

the Hindus in the form of a taxes, which the heathen were bound to pay for their protection in a Muslim State. Hundreds of Kashmiri Hindus were also confronted with the charge of having acted against the cause of the Muslims. Many of them quitely left their homes and after hiding themselves for sometime, managed to escape the dragnet of death. Many of them paid for their freedom, payings, huge ransom, before they were allowed to leave. Many of them, however, failed to make good their escape and lost their lives.

III

DARKNESS AT NOON

The first blow which fell on the Kashmiri Hindus was the assasination of Pandit Tika Lal Taploo, the member of the National Executive of the Bhartiya Janata Party. Taploo was widely respected among the Hindus in Kashmir and though Kashmiri Hindus held diverse views on electoral politics, they venerated him as an indefatigable champion of their cause. He was assasinated by terrorists outside his house in Srinagar, while he was on his way to the local court where he practised as a lawyer.

Tika Lal Taploo was given a tearful farewell by thousands of Kashmiri Hindus who accompanied his funeral procession. The Kashmiri Hindus had given a call for a bandh that day. The Hindu shops, schools and office-establishment were closed, but the Muslims went on their work as usual. While the funeral procession , carrying Taploo on his last journey wound its way through the streets of Srinagar, stones were pelted on it.

The next day, the Jammu and Kashmir Liberation Front owned the responsibility of killing Taploo. He was proclaimed the an enemy of the freedom of the Muslims of the State.

Taploo's death was followed by the broad day murder of the former Sessions JudgePandit Nila Kanth Ganjoo, who had sentenced Maqbool Bhat, a founder, member of the Jammu and Kashmir Liberation Front to death. Bhat was convicted of murder and executed. Ganjoo was killed in the busy market of Hari Singh High Street in Srinagar and his body lay unclaimed for an hour. weilding gunmen prowled round the place

till the police appeared on the scene.

A few days after, Klashikov terrorists gunned down another prominent Kashmiri Hindus leader, Prem Nath Bhat. Bhat too, was a lawyer and a column istand had returned to his native town of Anantnag after he had left Kashmir due to the threats and warnings, he had received from the militants.

After Bhat's death, hell broke loose in the Valley. Long hit lists were circulated in the villages and the townships of the valley indicting the Hindus for 'Mukhbiri', or complicity with the Indian State against the liberation movement of the Muslims. Most of the Hindus condemned to death, escaped to Jammu along with their families, usually during the darkness of the night. Those, who ignored the warning, paid with their life.

A deliberately designed, two pronged plan to dislodge the Hindus from Kashmir was surruptitiously put into operation by the various terrorist organisations. Several hit lists were circulated all over the Valley, in towns as well as villages. The hit lists were accompanied by rumours about the Kashmiri Hindus, who were found by the militants to have been involved in 'Mukhbiri' or complicity with the Government of India. The rumours were deadly mainly because they made life uncertain. To back up the effect of the hit-lists and rumours, pressure was brought to bear upon the Kashmiri Pandits by several other subtler methods. Many Kashmiri Hindus, were counselled by their neighbours, village elders, and even senior Jamait-Islami leaders to leave the Valley to save their lives. In many cases, the advice was genuine, but in general, the campaign of counselling was a part of the strategy to instill fear in the Kashmiri Hindus so that they took to their heels. In a number of towns and villages, the local people issued threats from the mosques and spread rumours charging the Kashmir Hindus of conspiracy and espionage, in order to break their resolve to stay behind. Larger number of prominent men among the Kashmiri Hindus, social workers, leaders and intellectuals, were listed for death. Most of them escaped from the Valley secretly, to avoid suspicion and interception.

In the rural areas of the valley, cadres of the secessionist organisations and their supporters, almost of every shade and commitment, the supporters of the Jammu and Kashmir Liberation Front in the vauguard did not hide their hostility to wards the Hindus. At many places, even in Srinagar and the other townships, Kashmiri Hindus were openly charged of espionage

for India. The indictment spelt death. At many places, the Kashmiri Hindus were assured protection if they embraced Islam. The more enthusiastic Muslim elements, mainly supported by Jamait-Islami, used intimidation and pressure to persuade the Hindus to abandon their faith. In one village, in District Anantnag, a village elder approached a Kashmiri Hindus woman, a widow, who lived with her three daughters in the neighbourhood and assured her that there was no danger to her life or the life of her daughters. As the poor woman expressed her gratefulness, the patriarch offered to marry her three daughters to his three sons which, he said, would end the insecurity, her family faced. The helpless woman recoiled in horror. Depending on her instinct, the woman left her home at midnight and along with her daughters, trudged on foot to a nearby village, where her brother lived. The next day and she reached Jammu.

IV

THE EXODUS

A widespread and vicious campaign of villification was launched against the Hindus of Kashmir for their exodus from the valley. The secularists, the leftists and the human rights activists, who had, during the four decades of Indian freedom laboured for different commitments and the renenegegades and mercenaries, who had served the British with equal servility, levelled false accusations against the Hindus, to cover the ugly face of the Muslim communalism and separatist violence in the State. Concerted efforts were made to shift the blame from where it belonged. A propaganda war was unleashed against the Hindus in Kashmir to prove that:

(i) the Muslims in Jammu and Kashmir bore no illwill to t heir Hindu brethern, whom they had protected from the invading tribesmen of Pakistan in 1947, and whom they had shown the utmost of tolerance and forebearance inspite of the repeated provocations they had received from the Hindu communalists inside the State and in India;

(ii) the Muslims did not pose any threat to the Hindus in Kashmir and whatever the intensity of the violence by the Muslim militant organisatons, inducted into the State, the deaths and assasinations of the Hindus were only incidental to

the crusade for the liberation of the Muslims;

(iii) the three lakhs of the Hindus in Kashmir, one and all, had entered into a secret conspiracy with Jagmohan, to evacuate the valley to enable the Governor and the Indian forces to obliterate the Muslims;

(iv) the Hindus in Kashmir had evacuated from Kashmir in search of "greener pastures in India" and better prospects under the cover of militancy;

(v) the Hindus in Kashmir had evacuated because of their "threat perceptions" which did not necessarily correspond to the "real threat" posed to their life and security.

The whole villification campaign was a motivated propaganda, intended to provide cover to the communal, fundamentalist and separatist outlook of the Muslims in the only Muslim majority State in India. The Hindus, not only in Kashmir, but all over the Jammu and Kashmir State, had been used as scapegoats for the failure of the Indian leaders to contain Muslim communalism and separatism in the State. In 1947, the Muslims sued for peace with the invading hordes of Pakistan, which descended on the valley and the only resistance the invading armies faced, was offered by the dilapidated elements of the Dogra army, which fought the advancing enemy with their bare teeth. Thirty eight thousand Hindus and Sikhs were massacred by the invaders in the territories overrun by them. Twelve thousand Hindus including Kashmiri Pandits, perished in the town of Rajouri alone. It is little known that the Muslim troops of the Dogra army, almost half of its strength, deserted and fraternised with the enemy and put themselves in the vanguard of the invasion.

Nor did the Muslims show any consideration for the secular values which Nehru argued with them, formed the basis of the Indian Constitution. The exclusion of the State from the Indian constitutional organisation was foisted on the Congress by the leadership of the National Conference, to Muslimise the State, and convert it into a separate Muslim polity, which India undertook to protect from external attack. As the conflict between the secular organisation of Indian democracy and the Muslimisation of the State came to a head, the National Conference leadership joined Pakistan to demand a plebiscite. The movement for plebiscite continued for twenty-two years till 1975. The Hindus in the State, more specifically in Kashmir, bore

the brunt of the Muslim separatism all along the years, the movement for plebiscite raged in the State. With the Congress-Front accord in 1975, the Congress leaders handed over the whip to the Front leaders, who used it to destroy the Hindus and those who had opposed them in their fight against India. After 1975 ,the recruitment of the Hindus in Kashmir to the services in the State, was reduced to an average of 1.8 per cent, the rest being reserved for the Muslims. The traditional tolerance of the Muslim majority in the State had sharper edges, which always cut the Hindus deeper. An unwritten covenant operated to disoldge the Hindus from their homes, their lands and their professions. In 1990,the process of the ethnic cleansing of the Hindus was completed.

The Kashmiri Hindus and Jagmohan along with the Indian Security Forces were the victims of a consipracy which had international ramifications. Who was where in this consipracy will be revealed by future history?. It is inconceivable that around three lakhs of people would have lifted themselves out of their homes, leaving behind their property and lands, means of livelihood and their temples, on the bidding of Jagmohan, paid thousands of rupees for being ferried across the Bannihal, and landed in the widerness of exile. The exodus spread over a year from December 1989, to the end of 1990. The Congress leaders, run-away renegrades among them, the neo-left leaders and the free market reformists were so blinded by their sense of self-righteousness, that they refused to pause for just a while and ponder on whether a whole community would have suddenly run wild and flung themselves into the oblivion.

Hindus in Kashmir constituted a self-contained class of people who lived at low levels of income compared to the lowest fringes of the powerful and affluent Muslim middle class. Most of them owned their houses, with only 6% of their families living in rented quarters. Most of the houses had small and large compounds which were traditionally considered to be a necessity in Kashmir. In the villages as well, where they mostly lived on small agricultural holdings and orchards, they owned their own houses, kitchen gardens, rared livestock, mainly cattle, and generally earned additional income from professional services, like dispensing medicine, teaching, book-keeping etc. A sizeable section of the community worked as wage-earners, domestic servants, and errand-boys.

The Hindus of Kashmir had a rich cultural heritage. They possessed numerous religious endowments and shrines and ancient temples built during the reign of the Hindu monarchs. There were many famous centres of religious pilgrimage like the Amar Nath Cave, Kheer Bhawani shrine on

the outskirts of the Srinagar city, the Sun Temple at Martand, Mattan, the Sharika Temple on the flank of the Hari Parvat hill and the Gangabal shrine, considered to be as sacred by the Hindus in Kashmir, as the Ganges. The religious endowments were once rich and prosperous and held in their possession Maufi and Mukharari lands, enough to meet their expenses. Much of the land attached to the temple shrines and religious endowments was nibbled away by the Muslim partisans with the connivance of the State administration under the cover of the land reform legislation which exempted religious endowments from its operation.

Like the other tradition bound, endogamous and native peoples, the Hindus, with an incredibly long history, extending into pre-historic, proto-Aryan, latter stone age culture, formed an inseparable part of the cultural identity of Kashmir and its personality. Because of their endocrine cultural patterns, local ritual structures blended with the Vedic religious precept and practice and their pride in Sanskrit civilization, they had a deep sense of attachment and belonging to their land, which they addressed in their worship as the "Mother, who had given them birth". How should they have suddenly torn themselves from their racial moorings, abandoned their homes and their temples and quit the temperate and salubrious climate, in which generations of their ancestors had lived, to throw themselves on the charity of the world in the arid tropics of Jammu and beyond ? How should they have fallen so low in their own esteem that they should have walked out of their homes on the bidding of Jagmohan, who sought their evacuation to clear the decks for an onslaught on the Muslims ?

The Hindus were scattered all over the valley and it is unbelievable that in the chaos, which engulfed the valley in January 1990, with the Muslim crusaders having spread all over, Jagmohan's spies could have moved around to organise the exodus of the Hindus. The stark truth is that as Jaghmohan flew into Kashmir a day after he was sworn in as the Governor of the State, hundreds of vehicles carrying the Hindu fugitives were speeding down the treacherous Banihal road towards Jammu.

The Hindus loved their land, perhaps with a greater spiritual commitment than the Muslims, because they were not imposters and they had lived in the valley, generation after generation, over thousands of years. They had a greater sense of national belonging, with its roots in the geography of their land. They were no conquerors; they had risen from their soil. A survey based upon stratified sampling, structured questionnaires and interviews was conducted to ascertain the circumstances in which the Hindu population in

Kashmir evacuated. 56 per cent of the respondents living in towns, thirty eight per cent living in the villages and 12 per cent living in the remote villages, stated that they were marked for death and according to the information they received, they had a day and a half to make good their escape. Thirty eight per cent of the respondents living in the towns, 13 per cent respondents living in the villages and 12 per cent respondents living in the remote villages, stated that they received information that their names figured in the hit-lists of various terrorists organisations. Forty three per cent of the respondents living in the towns, 28 per cent respondents living in villages, and 22 per cent living in remote villages, stated that they heard rumours of their names having figured in the hit-list of the various terrorist organisations. Sixty eight per cent respondents living in the towns, 42 per cent respondents living in the villages and 8 percent respondents living in the remote villages stated that they received threats from varous terrorist organisations through emissaries. Six per cent of the respondents living in the towns and 2 per cent respondents living in villages stated that they received instructions to appear before Muslim tribunals after Friday prayers, in the local mosques, to explain their anti-struggle conduct. Less than one percent of the respondents accepted that they appeared before the tribunals. The rest of the respondents, so summoned, left their localities before the appointed date for hearing. A scholar of sociology and history, resident of Srinagar city, stated in an interview: "I was already informed that a Naka, a ring had been thrown around the locality where I lived, with the intention to gun me down, whenever I came out of my house. I did not stir out, and as the day wore by, the fear gripped me that with the fall of the night, the terrorists would raid my house. As the night set in, I sneaked out of my house, wrapped in a blanket. It had begun to drizzle and I was perhaps, able to give a slip to the people who possibly had a bandoned their watch. The information that I would be waylaid was secretly communicated to me by a young lad of my own community. I left my home and took refuge at a fairly distant place in the house of a relative. The next day the militants sent a delegation of the local mosque committee to my home. Most of the men in the delegation were known to my people. In polite words the members of the delegation told my family members that reports about my anti-struggle activities had reached the militant forces, and therefore, it would be right for me to appear before the Muslim congretion on Friday, where my explanation would be considered sympathetically and the members of the delegation would ensure that no harm was done to me. My family members assured the delegation that I would appear before the congregat judgment. During the ensuring

night, my people quitely shifted out of the house with the least little belongings they could carry in a small vehicle, hired at an exhorbitant price. The vehicle reached the outskirts of Srinagar in the early hours of morning, where I had been instructed to wait. No one spoke a word. The vehicle sped away and by the onset of the dawn, the vehicle was racing up the hill slopes of Banihal."

There is enough ground to believe that the danger of widespread massacre of Hindus, particularly the Kashmiri Pandits, was iminent and a single false step would have cost them thousands of their lives and perhaps, the honour of their women. Thirty eight per cent of the respondents living in the towns, 46 percent of the respondents living in villages and 71 per cent respondents living in remote villages, stated that threats were communicated to them through their Muslim neighbours and acquaintances. Forty two per cent of the respondents living in the towns, 69 per cent of the respondents living in villages and 68 per cent of the respondents living in remote village stated that secret intelligence reached them that they had been accused of espionage for India. Most of them stated that they knew that the accusation of "Mukhbiri" or espionage was the warrant of death. Sixty one per cent of the respondents who received information of being accused of "Mukhbiri" stated that they left their homes in the darkness of the night to avoid interception. Thirty two per cent of the respondents living in the towns, 41 per cent in the villages and 76 per cent of the respondents living in the remote villages stated that they had secretly been counselled by their Muslim neighbours to shift to Jammu as conditions for their stay in Kashmir involved risk to their lives. Eighty two per cent of the respondents living in the towns and 57 per cent living in remote villages stated that the long discourses, broadcast on the public address systems of the Muslim mosques on the sacred mission of the Muslim crusade in Kashmir, warned the infidels and traitors to leave Kashmir or face death. A political activist of Anantnag district in Kashmir stated in an interview : "The warning was not veiled; it was blunt and outright. The amplifiers fit on the minarettes of the mosques, shrieked vengeance against the infidels and exhorted them to leave or face death. 'Ay Zalimo, Ay Kafiro, Kashmir Hamara Chor Do'; meaning: "O oppressors; O infidels: quit our Kashmir", was one slogan which was repeatedly broadcast from the mosques throughtout the length and breadth of the Kashmir valley. These are the facts of history. The first attack of the Muslim militancy was focussed on us. The people in India must know

the truth. The longer the truth is concealed, graver are the dangers to the nation". Sixty two per cent of respondents living in the towns, 21 per cent respondents living in the villages and 8 per cent of respondents living in remote villages, stated that they read notices printed in Urdu Newspapers, warning the Hindus to leave Kashmir within specified time limits. Sixty seven per cent of the respondents living in the towns and 47 per cent of the villages were forced out of their homes to join the rampaging mobs in the streets during the night of 19 January 1990. Eighty one per cent of the respondents agreed, that they hid their women and children lest they were attacked. Twelve per cent of the respondents accepted that unruly bands of strangers entered their homes and their behaviour was menacingly dangerous. Eighty one per cent of the respondents stated that during the night of 19th January, 1990, and the nights which followed, they hid their women folk and their children from the unrly strangers who broke into their homes. Eighty seven per cent of the respondents living in the towns, sixty seven per cent of the respondents living in villages and sixty eight per cent of the respondents living in the remote villages stated that they did not dare lodge any complaints with local Police Stations because (a) they feared retaliation by the militants (b) their identity would be revealed to the militants by elements in the Police Stations who were in contact with the militants, (c) the militants kept a strict watch on the Police Posts. Seventy nine percent of the respondents living in towns and thirty eight per cent living in villages stated that the Police Posts in their local areas did not function.

Seventy eight per cent of the respondents living in the towns and 83 per cent respondents living in the villages stated that they apprehended attack on their womenfolk. "There was a menacing fear among us", an octagararian Kashmiri Pandit stated in his interview, "that our womenfolk would be subjected to assault. Various ominous rumours floated round that the young Hindu women would be rounded up for mass conversion to Islam. The rumours were not completely unfounded, several familities in my locality scretely confided in me that they had seen suspicious characters prowling around their home s at the odd hours of the day. These families were among the first to quit our locality. 86 per cent of the respondents living in towns accepted having decided to abandon their homes and leave Kashmir after the traumatic experience of the events on 19 January 1990, when they found themselves left along to their fate, face to face with death and dishonour. The stunning surpirse that we received the next day was that the entire valley had been abandoned to the wolves and the police,

the Magistracy and the law had withdrawn from all active function. Few Kashmiri Hindus were killed on 19 January but several of the houses were ransacked and the inmates treated with little impunity." A local teacher living in Srinagar stated in his interview : "A Hindu neighbour, a man of some connections, told me the next day that he had made frantic telephone calls to the office of the Governer and to some of his friends in Jammu and Delhi, that the terror had broken out in the streets and they could be swallowed by it any movement. Ninety three per cent of the respondents living in towns and 63 percent respondntes living in villages stated that they did not want to join the night-long Muslim demonstration and violence, that commenced on 19 January, 1990. Forty three per cent of the respondents living in the towns and 14 per cent respondents living in the villages accepted that they had evacuated under the protection provided by the Central Security Force and (b) that they would be trapped in case the Security cover was not available to them.

Eighty eight per cent of the respondents stated that if they had not evacuated they would have been assasinated in large numbers. Ninety two per cent of the respondents stated that if they had not evacuated their women would have been subject to assault. 46 per cent of the respondents living in the towns, 61 per cent in the villages and 83 per cent living in remote villages stated that if they had not evacuated they would have run the risk of forcible conversion from their religion.

Fifty two per cent of the women respondents living in towns and 86 per cent of the women respondents living in village stated that their men were marked for death and, therefore, they pressed them for evacuation. Sixty eight per cent of the women respondents living in the towns and 74 per cent living in villages stated that they apprehended attack on their homes. Sixty three per cent of the women respondents stated that they had evacuated because of the widespread assasination of the Hindus. Eighty eight per cent of the women respondents living in towns and 96 per cent living in the villages, accepted that they feared assault on their families. Seventy six per cent of the women respondents living in towns and 72 per cent living in villages stated that they apprehended wholesale conversion of the Hindus. Eighty eight per cent of the women respondents stated that there was no guarantee of life in their localities and their evacuation was necessary. Ninety seven per cent of the women respondents stated that if they had not evacuated, they would have been liquidated in large numbers.

None of the respondents stated having received any overt or covert instructions from the State Government or the Governor or his office. Six per cent of the respondents in the towns and 8 per cent of the respondents in the villages stated that they were advised by various formations of the Central Security Forces, to evacuate to safer places.

V

ETHNIC CLEANSING

The consolidation of Pan-Islamic fundamentalism and its militarisation by Pakistan was aimed to destablise the northern states of India. It was effectively used to export the "Islamic Revolution". to Jammu and Kashmir. The first phase of the Muslim crusade in Kashmir sought to eliminate all Hindu resistance to the "Islamic Revolution". The Hindus were the first targets of the Muslim onslaught and they were marked out for extermination out of deliberate design. The Hindus had all through the crucial days, which followed the partition, offered stubborn resistance to the secessionist movements in the State and the Muslimisation of its government and society. The ethnic extermination of the Hindus was, therefore, the first strategic objective of the militant flanks, which formed the vanguard of the crusade for the liberation of Jammu and Kashmir from India. After the war of liberation truimphed, Jammu and Kashmir would, as a part of the fundamental unity of the Muslim brotherhood, join the commonwealth of Pakistan.

The terrorist violence in Jammu and Kashmir, as it spread, unfolded several of its aspects, which were characteristically original to it. The terrorist violence had a wider portent: the expansion of Pan-Islamic fundamentalism and achievement of the Muslimisation of Jammu and Kashmir. The extermination of the Hindus in Kashmir was a part of the revolution, which the armed struggle aimed to accomplish.

Genocide is presumed to involve a hundred or more killings of an ethnic group. It is generally accepted by the civilised nations of the world, and recognised by the carnos of the law of nations that genocide is the destruction in whole or in part of a national ethnic, racial or religious groups. The United Nations General Assembly approved a resolution on 11th December, 1946, declaring genocide a crime under International Law. A convention on the Prevention and Punishment of Genocide, adopted by the

General Assembly, came into effect on 12th January 1951. The Convention proclaimed genocide as a crime against International Law. The Convention listed destruction of an ethnic, racial or religious groups as genocide. Specifically, genocide includes:

1. killing of the members of a community or a group because of their affilliations;
2. causing bodily or mental harm to the members of a community or a group;
3. deliberately inflicting conditions on the community or the group to bring about its physical destruction;
4. imposing measures to prevent births in the community or the group;
5. forcibly transferring children from one group to another.

In Kashmir, terrorist violence involved the liquidation of thousands of the Hindus. A computation of the data of the massacre of the Hindus on the basis of the reports in the local press, newspapers published in Srinagar and other townships in Kashmir reveals that the number of the Hindus killed by the terrorists run into several thousands. The Hindus among them, mainly the Kashmiri Pandits, were killed in large numbers irrespective of their age profession and political commitments. The press reports are supported by several surveys and inquiries undertaken to assess the loss of the Hindu lives in Kashmir.

Among the dead were several hundred Hindus who were reported missing. Among the missing were many Hindus whose bodies were never identified and were disposed off by the State Government agencies at their will. Many of the people killed and still unidentified were Hindus. The terrorist assault on the Hindus in Kashmir commenced in the fall of 1989, and by the onset of Summer 1990, more than seven hundred of them had been assasinated in cold blood. Most of the victims were innocent people who lived in poverty and persecution in the Muslim dominated constitutional organisations of the State. Among those killed were people from all sections of the Hindu society : teachers, lawyers, political activities, mediamen, intellectuals, errand boys and men of small means.

The terrorist killings were accompanied by torture and atrocities, unheard of in the annals of human history, which tantamount to grave crime against all ethics and against humanity. In sheer disregard of the norms of

political behaviour, recognised by all nations and now embodied in several international covenants, including the Universal Declaration of Human Rights and the United Nations Covenants on Human Rights, adopted by the United Nations General Assembly in 1966, the terrorists inflicted grievous hurt, injury and torture on hundreds of Hindus. Torture deaths were brought about by inhuman practices which include strangulation by using steel wires, hanging, impaling, branding with hot irons, burning alive, lynching, guaging of eyes before assasination, slicing, dismemberment of limbs, drowning, dragging to death, draining of blood and slaughter.

Brij Nath Shah was kidnapped on 27th April, 1990 from his home at Sadhu Ganga, Kupwara in Kashmir. Two days later, his body was found hanging by a tree. His lips had been stitched.

Sham Lal of Chiragam in Anantnag, Kashmir, was kidnapped in May 1990. The hands and the feet of the unfortunate man were chopped off and his skull battered. Sham Lal's dead body was stuffed in a sack and left on the threshold of his house, wherefrom it was recovered by his brother.

Pran Nath of Uttarsu in Anantnag District, Kashmir, was kidnapped on 27th May, 1990. His body was found impaled; his chest and feet nailed.

Three officials of the Life Insurance Corporation of India were kidnapped in Srinagar. They were subjected to torture and then confined in an abandoned Kashmiri Hindu house. The house was set ablaze. Two of the officials were burnt alive while the third official escaped with more than 50 percent burns.

Bhushan Lal of Ompura in Budgam, Kashmir, was kidnapped on 27th April 1990. He was tortured, and then strangulated to death. His body was found the next day.

Girja, a School teacher in Bandipora, was kidnapped from the house of a Muslim colleague. The unfortunate woman, after being gangraped, was sliced on a mechanical saw.

Scores of the bodies of Hindus were recovered from River Jhelum. Most of them were drowned.

Brij Nath Kaul of Hermain, Shopian, an employee of the Agricultural Department, and his wife were tied to a speeding vehicle. Their mangled bodies were recovered ten kilometres away from their home.

The dead bodies of several Kashmiri Hindus were salvaged from various places in Kashmir. Their heads had been severed off.

Several dead bodies of Kashmiri Hindus were recovered which had been branded by hot iron before death. Several bodies were found with eyes gouged out.

The most dastardly and inhuman acts of terrorism were those committed in hospitals, where the Hindus brought in for treatment after being injured in terrorist attacks were either allowed to die for want of treatment or brutally murdered by the doctors and others who collaborated with the terrorists. A number of cases were reported where the injured Hindus were allowed to bleed to death. Scores of cases were reported where kidnapped Hindus were drained of their blood and their lives were terminated.

The worst sacrilege to which the Hindus were subjected, and which continues still, was that the kith and kin of the Hindus killed in Kashmir were not allowed to carry the dead to Jammu for cremation according to their religious rites. The dead bodies of the Hindus killed in terrorist violence were actually disposed off by the State police on its own and in total disregard of the injury and hurt, it caused to the religious feelings of the bereaved families.

5

Search for Refuge

The State Government, awoke to the tragedy, the Hindus faced, after the exodus had reached its peak. The entire administration, staggering under the shock of militant assault from outside and subversion from inside, was unable to provide protection to the Hindus particularly in the areas where their population was denser and where the militant attack on them was severe. In the penny-pockets, where the Hindus were spread in the remoter regions of the Valley, they were almost at the mercy of the militants and their Muslim neighbours. In fact, the abductions, kidnappings, torture killings and criminal assault on Hindu women, were more extensive in rural areas than in the townships, where the incidence of killing was higher. Most of the people killed were shot dead wherever they were found. In the townships, the attack was sudden and effective, because it was aimed at a quicker cleansing of the Hindus from the valley. The elimination of the Hindus provided the militant forces a logistic advantage over the Indian security forces.

In a situation, where a large section of the Muslims were armed with lethal weapons and had fallen upon their Hindu compatriots, the State Government was under an obligation, to help the minorities, spread over the Valley, evacuate them to safer places and provide adequate transport to facilitate their safe movement. The state Government, however, undertook none of these responsibilites and left the Hindus to make good their escape as best they could.

For quite some time, while the migration of the Hindus from Kashmir rapidly increased, the State Government watched with stoic indifference the turbulations and the disaster the refugees faced. The upper echelons of the bureaucracy, dominated by the Muslims, were traditionally arrainged into two factions, the local Muslim officers and the officers of the Indian Civil Service, posted in Jammu and Kashmir. Incidently, most of the officers of the Indian Civil Service posted in Jammu and Kashmir were also

Muslims. In the factional balances, the local Muslim bureaucrats, most of them having risen from very ordinary commissions to the high positions of responsibility, due to the political patronage of the National Conference, as well as the Congress Governments, enjoyed precedence over the rest. The Muslim bureaucrats of the Indian Civil Service, bereft of any roots in the State, survived by sheer craft and capacity to ingratiate themselves with the party bosses in power in the State or at Delhi. The Hindus, with their proverbial commitment to secularism, trudged in the fog.

Both the factions in the State administration supported the processes of the Muslimisation of the State and Muslim precedence. With the onset of the militant violence, both the factions assumed a demeanour of neutrality to the war of attrition that had been unleashed in the State, partly out of fear and partly out of preference.

In Jammu, where the refugees poured in thousands, the State Government failed to rise to the occasion and provide temporary shelter and relief to the hundreds of thousands of the Hindus sprawling on the streets in the temple city of Jammu. Were it not for the yeoman service of the voluntary Hindu organisations, which immediately swung into action to organise relief for the refugees, hunger and disease would have taken a heavy toll of the unfortunate people, who had suddenly been thrown into the wilderness. No help came from any quarter. Silence of death fell on the liberals, the protogonists of secularism, the radicals and the rest. Gita-Bhawan, a temple complex situated in the heart of the Jammu city, adjacent to the Shiva Temple, was converted into a reception-cum-transit camp, where the Hindu refugees arriving from Kashmir, disembarked.

The various Hindu organisations of Jammu, which had organised relief for the Hindu refugees arriving in thousands from the Kashmir valley, established a broad-based relief committee constituted of several prominent Hindu leaders of Jammu and Kashmir. The organisation was named the Sahayata Samiti. Pandit Amar Nath Vaishnavi, a prominent Hindu leader and social activist, was appointed the Vice-President of the Samiti. Vaishnavi was actually put in control of the function of the Samiti. In Delhi, the other main place, where the refugees arrived in large numbers, the work of relief and rehabilitation was taken up by the Kashmiri Samiti Delhi, headed by Pandit Chaman Lal Gadoo, an indefatiguable social worker.

As the number of the Hindu refugees in Jammu increased rapidly, the State Government issued instructions for the erection of encampments to

accomodate the refugees and sanctioned a cash relief of one thousand rupees per month, for every family of five or more members. The Government also sanctioned rations at the rate of 9 kilograms of rice and 2 kilograms of wheat-flour, per head, per month. The cash relief was a mockery for the great Indian republic, which claimed a prior obligation to social justice. The Indian Government could not afford to sustain lakhs of their nationals who were paying the forefiet of their natiton. The relief and assistance, provided to the refugees, fell far below the international relief that was provided to the people in war-torn Ethiopia and Somalia.

The refugees, who were in the employment of the State Government, were not provided any relief and rations. They were allowed to draw their salaries which were ordered to be disbursed to them in their respective offices in Jammu. Thirty-two refugee camps were established to accomodate the refugees. Refugee camps were also established at Nagrota, Riasi, Udhampur and Kathua in Jammu. In Delhi as well, refugees camps were established, several of them by Hindu voluntary agencies, to accomodate the refugees and provide them immediate relief. Almost sixty percent of the refugees shifted to rented accomodation comprising one room sets in Jammu and the adjoining townships. The heavy inflow of the refugees into Jammu suddenly pushed up the housing rents to exhorbitant rates. Around fifteen percent of the refugees were temporarily accomodated by their relatives and friends. The rest of the refugees were shifted to be housed in the camps.

The administrative organisation for the relief and rehabilitation of the refugees was entrusted to a Commissioner of relief. The organisation established sub-offices at various places in Jammu province. Each sub-office was placed under the supervision of an Assistant Commissioner for relief.

Each refugee family, entered into the Government records as a "migrant family", was furnished with a ration book on which the number of the family members, their names and their addresses were entered and duly certified by the Relief Commissioner. The amount of cash received by the refugees and ration drawn by them, were separately entered into respective columns on the ration books. Counters were established in various parts of the city from where the cash relief was disbursed to the refugees. The rations were distributed from the government run ration shops.

The disbursement of relief among the refugees was far from a smooth process. Within a few months the whole management of the distribution

of relief degenerated into a hotbed of corruption and blackmail. The entire structure and function of the relief organisation was twisted to facilitate the collection of graft. More oftern, rules and orders were promulgated making the procedure of the distribution of relief more stringent and cumbersome and laying down severe conditions for the refugees to prove their claims. The conditions were changed from time to time to suit the caprices of the Relief Department. Driven from pillar to post, the refugees greased the cogs and wheels of the relief organisation to earn reprieve.

Exposed to various pressures and without any safeguards to invoke for their protection, the refugees were placed at the mercy of the capricious officers and their touts. A survey conducted among the refugees, who received relief revealed startling facts about the troubles and travails they were made to endure. About 62 percent of the refugees interviewed, accepted having paid various sums, at different points of time, to ensure regular payment of relief to them. About 26 percent of the respondents refused to answer any question about the disbursement of relief.

The distribution of relief had another and a more interesting aspect as well. The Muslims migrants who had fled away from Kashmir in the wake of the terrorist violence, were listed for relief separately. Strict secrecy was maintained in dealing out cash relief to them as they were not required to collect their payments from the counters established for the disbursement of relief. Nor were they required to fulfil any conditions or subjected to any rules and regulations, laid down to distribute relief. They were accomodated in separate lodgings and not in the camps and most of the lodgings were in the government owned quarters. The special priveleges were reportedly given to the Muslims for their safety, which the State Government, believed, or at least feigned to believe, was greater than the danger and devastation, to which the Hindus dumped in desolate camps, were exposed.

The Hindus in Kashmir had been used as a sheath for Indian secularism in Kashmir where Muslim communalism and separatism had persisted to thrive in one form or the other. Having been pushed out of the arena by the Muslim militant movements they had been left to their fate exactly as the millions of refugees who had come from Pakistan in 1947, had been abondoned unclaimed.

The Indian leaders, never learnt any lesson from their experience. During the struggle for the independence of India, the Congress had

promised the people of India protection from oppression, poverty and degradation. The promises were never kept.

The refugee camps in Jammu and elsewhere and the refugees were soon forgotten and left unattended. Soon the tents were torn but they were not replaced. The improvised sanitary facilities, drainage, drinking water pipes, broke up in a few months after the camps were established. No one in the State Government went to see the camps and the plight of the people living there. The Congress leaders who made a bee-line for Kashmir and the Muslim majority districts of Doda and Rajouri, evaded appeals, the refugees made to invite them to visit the camps. Towards the close of 1993, when the terrorists began to bite deeper and reached the outskirts of Jammu, Farooq Abdullah and then Ghulam Nabi Azad visited the camps. To the consternation of the entire Hindu community, they invitied the refugees to return to the valley, in view of the "political process" which the Government of India, proposed to initiate to bring peace to Kashmir.

Many functionaries of several foreign countries, who came to Kashmir primarily to have a first hand knowledge of the Muslim crusade against India, visited the refugee camps. They were horrified by the hell-holes to which, a whole community had been consigned for the fault that they had opposed Muslim secessionism all along the years after India had won freedom. Many of them submitted detailed reports to their governments on the plight of the Hindu refugees living in the camps.

Living in sub-human conditions, a large number of refugees died of disease, heart attacks and snake bites. Children and old men and women, contracted diseases and ailments which bred in filth and squalour and which were caused by exposure to tropical rains. A team of migrant doctors, conducted a survey of the grue some conditions in which the Hindu refugees lived in the camps. The survey covered the health of the refugees, who lived in accomodation rented by them. The survey made revealing disclosures about the decay and death, which struck the refugees and the tropical diseases, squalour and poverty and psychological distress to which they were exposed.

I

LEAVE SALARY

The fate which befell the employees of the State Government was no better. In 1990, orders were issued by the State Government that the employees of the State Government and other corporate bodies, who had

evacuated from kashmir in the wake of the militancy, would be paid their salaries as usual for the period they were not able to join their duties. All such employees were categorised as the "migrant employees".

The decision to provide cash relief to the Hindu refugees and enable the Hindu employees of the Government to draw their salaries in exile, was taken by the then Governor, Jagmohan. However, in its implementation, the decision of the Governor was distorted completely. A Muslim official of the Indian Administrative Service, who headed the Finance Department of the State Government improvised the term "leave salary", which the migrant employees were ordered to draw. No one had the courage to ask the willy official, why the Hindu employees could not be simply deemed to be on duty and not on leave which presumably the new definition of "leave salary" underlined. The Hindu employees had left Kashmir in circumstances which were not of their own making and which had been partly created by the wilful withdrawal of the State administration from its rightful function. The officials of the State Government, who in the new dispensation of the Governor's rule had assumed the demeanor of the Nabobs of the British days, interpretted and re-interpretted "leave salary" to circumscribe the spirit and intent of the orders to enable the migrant employees to receive their salaries. Many of the officials had vested-interests in regional, local and sectarian power balances, which had dominated the political processes in the State, all along the four decades of Indian freedom. Many of them feared the militants and therefore, agreed without demur to whatever was proposed to be done with the migrant employees. The all powerful factions of the Muslim bureaucracy, which openly professed neutrality in the war of attrition going on the State, mainly to uphold their commitment to the Islamic Jehad, harboured enough distrust of the Hindu refugees, particularly the Kashmiri Pandits.

After the conversion of the "salary" into "leave salary" was accomplished, the State administration curtailed one after the other the rights and priviledges to which the migrant employees were otherwise entitled. During the last four years numerous orders and instructions were issued to govern the grant of "leave salary" to more than twelve thousand Hindu migrant employees, consisting less than 5 per cent of the personnel in the services of the State. No restrictions were imposed by the State Government on the Muslim employees of the State Government who had fraternised with the terrorists at the most crucial hour, when the terrorist violence was at its peak and struck work in

defiance of all administative responsibility.

The cumulative effect of the numerous orders and instructions to regulate the "leave salary" was devastating on the Hindu migrants. A large section of the Hindu employees working on temporary, adhoc, non-permanent basis and work charge, were abruptly discharged from their services because they could not claim "leave salary". Among the retrenched employees were people, who had worked in their respective departments and corporate bodies of the State, for years and had reached a stage in their life, where they could hardly make a detour to begin a fresh.

Several hundred employees were suddenly plunged into deluge, when their services were summarily terminated on the plea that since the non-permanent and temporary staff in the employment of the State was not entitled to any leave, their services could not be continued "under-rules". The scourge of the bureaucratic commitement to the conditionalities created "under rules" not only deprived hundreds of the migrant employees from their livelihood, it virtually pushed them into oblivion, because the termination of their services closed their prospects of being confirmed on their postings in accordance with procedure laid down for the purpose.

The migrant employees working on non-permanent basis in staff services, technical and academic organisations suffered the worse, for they had served their respective organisations for years with their expertise and technical know-how. The vengence with which these people were retrenched, lost them the whole credit they had earned to claim confirmation in the ir respective services. Most of the vaccancies thus created were hurriedly filled by people, who were hardly equipped with adequate academic and technical qualifications and training.

As it happened, the "leave salary" was confined to the disbursement of substantive pay, with the other admissible allowances, being withheld. In the British imperial tradition, salaries in Jammu and Kashmir State, as in the rest of India, were constituted of two components : the substantive salaries and the allowances, which fluctuated with the changing value of money. The demonstrations of protest against the orders to withhold the allowances, embarrassed the State Government, which evidently could by no stretch of mind, exclude the allowances from the "leave salary". The allowances were restored but the inclusion of any fresh grant of allowances in the "leave salary" was ordered to be reviewed with the approval of the State Government.

"Leave salary" involved many more issues of crucial importance

for the migrant employees. The Finance Department of the State Government, as usual, stuck to the position that the "leave salary", did not earn any of the usual benefits : periodic increments, promotions, grade revisions etc. for the migrant employees. The Department held that the migrant employees, were presumed to be on leave, and therefore, did not earn any right to periodic increments, promotions and pensionary benefits. The Government issued supplementary orders to its various offices to allow the migrants to draw their periodic increments.

Inspite of repeated representations of the migrant employees, the State Government stubbornly refused to countenance their claims to promotions, pensionary and other benefits. The joke went round that the Hindu employees of Kashmir had forefiet their right to any benefits, because they were runaway renegades who had betrayed the struggle for freedom in Kashmir. Different officials in different departments obdurately insisted that they could not accept any claims which the "leave salary" did not permit .

Remonstrations and protest of the migrant employees evoked little response from the State Government. The Commissioners Secretaries a monostrous combination of the line and staff functions in a single official, swore and jeered at the people who went to them for redress. The Muslim bureaucrats pulled the strings from behind the curtain. The Governor, S.C. Saxena who had served the Home Department of the Governor of India, hid himself behind the Palace walls and barricades. Perhaps on the instructions of the Government of India, the promotion of some sections of the migrant employees were taken up for consideration. The results were atrocious. A number of the migrant employees were ordered to be promoted to their next higher grades but they were posted to the remotest places in the Kashmir province where militant violence raged . The orders of the promotions stipulated in unmistakable terms, that the promotions would not take effect till the promoted migrant employees did not join the places of their posting. None of the migrant employees was able to join at the place of the posting. Justice was obviously done.

The conspiracry to eliminate the Hindu refugees from the services of the State did not end here. While the militants consolidated their hold on the valley and the State Government staggered under their pressure, concerted efforts were made to block the employment of eligible Hindu refugees in the services of the State. In Jammu and Kashmir, the State Government had evolved an ingenious method of recruitment to the State services which operated to the disadvantage of the Hindus,

particularly the Hindus in the Kashmir province. Versted with arbitrary powers by virtue of Article 370, the State Government had allocated a separate quota for the two provinces of Jammu and Kashmir, Ladakh being included in Kashmir. The service cadres in the two provinces were further divided into two catagories : The cadres belonging to the Kashmir Administrative Service and the cadres belonging to the grades of the subordinate services. the cadres of the Kashmir Administrative Service were recruited by the State Public Service Commission and the cadres of subordinate services were recruited by the Staff Selection Committee, appointed by the State Government. The sub-ordinate services were further subdivided into quotas separately allocated to the districts of each province.

The Hindus, who formed a small minority in almost all the districts of the Kashmir province, except Srinagar, were easily eliminated from any consideration. In the district of Srinagar, where they had a sizeable population and offered tough competition to the Muslims they were excluded on the basis of reservations for the "Backward Classes". In the Kashmir province, the employment of Hindus and other minorities varied between 4 percent to 6 percent, all through the years after the first Interim Government was constituted in March 1948, though their population, varied between 7 percent to 8 percent of the population of the province.

In the Jammu province, the Hindus, in the three districts of Poonch, Rajouri and Doda, were conveniently excluded from the services by the same procedure which was followed in Kashimr. In the Hindu majority districts of Kathua, Jammu and Udhampur, the Muslims appropriated solid chunks of the employment on the basis of the reservations for "Backward Classes". In the upper grade services, in which were included the cadres of the Kashmir Administrative Service and the cadres of the specialised staff agencies, the recruitment was not made on the basis of provincial quotas. The functions of the Public Service Commission, generally constituted of members majority among whom upheld Muslim precedence, were so manipulated as to exclude the Hindus in Kashmir province almost completely, from emploment in the upper grade services of the State. In Jammu the Muslims, though a minority, were ensured a large share in the upper grade provincial services. The scourge of the special quotas spread to the recruitment in specialised services and academic bodies as well where all norms and qualifications, which were presumed to be basic for recruitment, were thrown to winds. In the academic institutions, including professional colleges, universities and other institutions of higher learning, Muslims with post-graduate degrees of the third grade, were

given preferncе to Hindus with degrees of the first grade, research qualifications and other a chievements of academic excellence.

After the migration, the Hindus of Kashimr were confronted with another piquant situation. The State Government refused to recognise their claim to any employment in Kashmir province, on the basis that they had migrated from the Kashmir and ceased to be the residents of the province. Evidently, under the quota system they could not claim any share in the service of the State in the Jammu province, because they did not belong to the Jammu province. An undeclared moratorium was automatically imposed on the recruitment of the Hindu refugees in the services of the State. Applications of the Hindu migrants, received in response to requistions made by various recruiting agencies of the Government, were refused consideration. Strangely enough, applications from the Muslim migrants, who had also left the State due to terrorist violence, were accepted and marked out for special consideration.

A surruptitious campaign was launched by several quarters inside as well as outside the State Government, portraying the Hindus in Kashmir as the villians, who by their prowess and cunning would rob the people in Jammu province of their initiative and opportunity. The smear campaign was obviously inspired by the militant flanks, who considered the Kashmiri Hindus as a major support base of India in Jammu and Kashmir and who did not forgive them for their active opposition to the Muslim secessionist movements.

The campaign did not carry conviction and except for some sections of the affluent middle class in Jammu no one paid any heed to it. The leadership of the Kashmir Hindus reacted quickly and made it abdundantly clear that they did not seek the adjustment of migrant employees in Jammu nor did they seek any employments in the Jammu province. In a national convention, the All States Kashmiri Pandit Conference, the 'Yuvak Sabha' held in Jammu, announced the resolve of the community to return to Kashmir.

The State Government followed an entirely different policy in regard to the employment of the Muslims. Many leaders in the Janata Dal, a component of the united front Government of the Congress and the National Conference lamented at the economic deprivations, the Muslims had suffered and the unemployment their youth had faced, which they alleged had let to their alienation from the national mainstream. Governor Saxena, and after him Krishna Rao, picked up the que and blamed

everybody except the Muslims in Kashmir, for the induction of terrorism in Kashmir and offered the "misguided Muslim youth" employment in order that they abandoned arms. The Muslim bureacuracy, which followed its own interests, initiated several quick moves to pull in as many activists and supporters of the various militant organisations into the in State administrations, as they could. Voices were raised from several quarters, the Hindu migrants, the press and several members in the Indian Parliament, including the former Governor of Kashmir, Jagmohan, against the recruitment of the people in the State administration, who were mostly sponsored by the moilitant flanks and whose loyality to India was doubtful. These protests had little or no impact on the policies of the Government of the State which threw the existing recruitment rules to winds and adopted new procedures. These procedures were evolved by the State bureacuracy, which after the exit of Jagmohan, had assumed virtual mastery over the State administration Consequently.

(a) Posts created in the Kashmir province after 1990, were filled by the Muslims in sheer disregard of the requisite qualifi cations and other requirements.

(b) Rules and procedures for the recruitment to State services were modified in favour of the Muslims in Kashmir to enable them to qualify for services to which they were not otherwise entitled.

(c) Special procedures were made for the qualiffication in favour of Muslims to facilitate their recruitment to employments which required academic specialisation and training.

Besides the salaried employees who were working in the service of the Government on non-permanent basis, there was another class of salaried employees, who lost their livelihood because of the migration. This salaried class included Hindus employed in privately managed schools and colleges, many of which received grants-in-aid from the government; hospital staff and doctors, working in privately run hospitals, nursing homes and clinical laboratories and the employees of the Hindu religious endowments and temple-trusts, including the Dharmarth Trust. These employees were employed on permanent tenure basis and entitled to pension and other superannuatory relief. Hundreds of teachers, who had almost spent their lives, serving their respective institutions, were suddenly thrown to the charity of the world. The teachers employed in the private schools, which received grants in-

aid from the Government, approached the State administration for the restroration of their salaries on account of the grants-in-aid, which continued to be received by their institutions. The Muslim bureacuracy applied the brakes and the grants-in-aids were withheld or discontinued. The wretched people ran from pillar to post, entreating the Governor, the Advisors and the Commissioners pleading for their salaries, which they claimed on the basis of the grants-in-aids. Their entreaties were ignored.

II

SCORCHED EARTH

The exodus of the Hindus from Kashmir was followed by wide-spread depredations of their places of worship. Almost everywhere in the valley the archaeological remains of the ancient Hindu temples, which stood an eloquent testimony to the Hindu heritage of Kashmir, were subjected to wanton attack. The ancient ruins of the temple, which were destroyed during the Muslim rule, were sacred to the Hindus, who visited the sites as a part of their religious tradition. At many places, the ruins were dug up, to wipe off their last traces.

Hindu religious, cultural and minority institutions were destroyed with greater zeal. The Hindu religious congregations were prohibited and the places where they were conducted, closed down. The famous shrine of Sharika, situated on the slopes of Hari Parbat hill and commanding a view of the old city, was covered by a pale-grey taurpaulin, for the satisfaction of the Muslims. The other religious places were either burnt down or closed. The buildings, in which the offices of the Hindu social organisations were located, were also burnt down or subjected to bomb attacks. The Hindu educational institutions were either burnt down or taken over by despara does supported by the militants. Temples and shrines were destroyed by fire or subjected to bomb blasts. The ancient shrine of Bhawani at Tulamulla in Srinagar, was subjected to rocket attacks, which however, struck the surrounding structures, causing the shrine little damge. Almost the entire organisation of the Hindu schools and colleges run by the Hindu educational societies, including educational instititions run by the Hindu Educational Society, the Dayanand Anglo-Vedic organisation and the Vishva Bharti Trust were either burnt down

or seized by the militant-sponsored Muslim organisations in a swift manoeuver.

The Minister of State for Home, the Government of India, stated in the Indian Parliament on 12th March, 1993 that 28 temples and Hindu shrines were demolished, damaged and desecrated in Kashmir during the year 1989 to 1991.

Year	Temples demolished and damaged.
1989	13
1990	9
1991	16
Total	38

The actual number of the temples demolished and damaged in Kashmir was much larger and vandalism to which the Hindu shrines were exposed was widespread. Sixty eight temples and shrines located in the remote villages, far more ancient and sacred than the mosques the Moghul imposters had erected, were burnt and demolished or damaged, about which reports were never collected by the State Government. In most of these remote places, there were no Hindus left behind to have lodged complaints with the administration. The State Government, least interested in the safety and protection of these religious shrines, made no efforts to collect any information about the desecration and damage to which these temples were subjected. The data and facts about these temples were collected from the Hindu refugees in Jammu and the other places in India.

In the aftermath of the demolition of the Babri Masjid, traditional Muslim intolerance towards the Hindus, erupted into widespread attack on the Hindu temples and places of worship. Thirty nine temples were demolished burnt, damaged and desecrated by frenzied mobs, who cried death to India and the Hindus. The Congress leaders were hurt by the demolition of the Babri Masjid and gave ample expression to their anger and distress. None of them, however, voiced any protest against the widespread demolition and desecration of the Hindu temples in Kashmir. After the demolition of the Babri Masjid, the wanton destruction of the temples in Kashmir was reported by the press, though reservedly. Angry demonstrations and protests against the desecration of the Hindu temples and

their systematic demolition, were held by the Hindu refugees in Jammu and other parts of the country. Neither the lurid tales of how the temples were desecrated nor the protest made by the Hindu refugees evoked any response from the Government of India.

The Hindu refugees protested strongly against the demolition and desecration of the temples and the shrines left behind by them in Kashmir. Angry demonstrations by the displaced Hindus against the widespread damage caused to the Hindu temples and shrines in Kashmir and the widespread protest voiced by the Rashtriya Swayam Sevak Sangh, the Bhartiya Janata Party, the Hindu Shiv Sena, constituting the most powerful of the Hindu political opinion, evoked little or no response from the Government of India or the State Government. In order to provide fresh cover to Muslim communalism in Kashmir, a fresh disinformation campaign was launched to malign the Hindu refugees for their reaction against the destruction and damage to their places of worship. Several people, who professedly after personal investigation, published their own account of the demolition and desecration of the Hindu temples in Kashmir, published stories of the temples which had been damaged and promptly repaired by the State Government and temples which had not been demolished. Most of them sought to link up the demonstration of protest against the temples in Kashmir with the controversy which followed the demolition of the Babri Masjid. Evidently it was clear that their version of what had been happening in Kashmir was based upon monitored information aimed to dilute the impact of the widespread damage done to Hindu places of worship in Kashmir. The controversy did not last long as the Hindu religious organisations: the Sahatya Samiti, the All State Kashmiri Pandit Conference and the local units of the Bhartiya Janata Party made public unassailable evidence of the destruction and damage done to the Hindu temples in Kashmir.

The destruction of the temples and religious institutions was evidently aimed to destroy the Hindu religious tradition and culture and to pave the way for the total Islamisation of Kashmir. The militant organisations followed a systematic policy to uproot the Hindus from Kashmir, economically and socially, and break their resolve to return home. Right from 1989, when the militant violence commenced, the militants followed a scorehed earth policy of demolishing Hindu localities, dispossessing the Hindus of their land, orchards, business establishments, trades, shops and other properties to deprive them of the means of their livelihood and burning of their houses.

During the months after the exodus of the Hindus, their houses were ransacked and the belongings and household goods and property, left behind by the fleeing families, looted. Many of the houses were torched and during the last four years about 18,000 houses were either burnt down or destroyed. Many of the houses which were not burnt, were occupied by mercenaries serving the militant organisation. The premises of the business establishments, shops and commercial establishments were also taken over by the Muslim activists who supported the militancy. In the rural areas, agricultural land, orchards and the lands attached with the burnt Hindu houses, were nibbled away by Muslim activists supporting various terrorist organisations. The cattle and the livestock, left behind by the Hindus, were sold for slaughter.

The worst of the disaster that befell the Hindus in Kashmir was the sudden disruption of the education of their children, the exodus caused. The infra-structure to provide teaching to a large number of refugee students in the educational institutions in the Jammu city and Udhumpur district, where the refugees were mainly concentrated, did not simply exist. A fairly sizable number of refugee children were admitted to the public schools in Jammu, run by private bodies. Many of the refugees, however, did not afford to send their children to the public schools. The problem was more acute in the higher-secondary schools and the colleges where space and teaching facilities were hardly adequate to cater to the needs of the local students. In Kashmir where a virtual embargo was placed on the entry of the Hindus in Government colleges and institutions of higher studies, the Hindus found their way into the colleges run by Hindu management trusts. Many of these institutions were run by the Hindu Educational Society, the Dayanand Anglo Vedic organisations, the Vishwa Bharti Trust and the Christian Church Mission Societies. The management and the teaching staff of the institutions of the Hindu Educational Society sought permission from the State Government to restart teaching classes in Jammu on temporary basis. The permission was not given and till the end of the year, 1993, the management was still struggling to perusade the Government to grant it permission to start the classes in Jammu.

The State Governor, Jagmohan promptly issued orders for the establishment of camp schools and camp colleges in Jammu and Udhampur, where teaching could be imparted to the children of the Hindu displaced people. The measure was well intended as there was a large number of Hindu migrant teachers in Jammu, available for teaching in the

camp schools and colleges. The camp schools were accomodated in improvised canvass canopies and the migrant teachers were drafted to teach there. The camp colleges were, howevere based in the local college buildings where classes for the migrant students were conducted in the second shift which commenced in the afternoon, when the class work of the regular students came to its close. Camp departments for post-graduate students of the Kashmir University were also eastablished in the Jammu University.

The apathy and the indifference of the State Government to wards the plight of the Hindus refugees, had devastating effect on the education of the children of the Hindu refugees. The effect on the camp schools was disasterous. The teaching staff in the camp schools, by far the best and academically better qualified, complained about the lack of accomodation, sanitary facilities and teaching aids in the camp schools bringing the abject conditions in which the teaching was conducted by them to the notice of the State Government as well as the leadership of the Hindu refugees. Their remonstrations went in vain. The Sahatya Samitisent several delegations to meet the officers of the State Government and draw thei r attention to the severe difficulties the teachers as well as the students faced in the schools. Several delegations of the college teachers waited upon leaders in the Government of India, and the officers of the Union Education Ministry to acquaint them of the rapid disintegration of the whole organisation of the camp schools and colleges, established by the State Government. Their protest too was ignored.

In due course of time, the camp schools, many of which continued to be accomodated in tents and improvised shelters, where reduced to tattered shacks, where the teachers and the students alike, hid themselves from the scorching heat of the summer sun as well as the monsoon rains.

The effect of the exodus on the admission of the Hindu migrant children to professional training colleges and institutions of higher education was devastating. They could not claim admissions in the professional and training colleges in the Jammu province or the post graduates departments in the Jammu University, where the admissions were strictly reserved for the people of the Jammu province. They could not seek admission in the professional and training colleges and the University of Kashmir in the Kashmir valley wherefrom they had been driven out at the point of the gun.

Before the onset of terrorism, Hindus in Kashmir secured an average of 8 percent to 10 percent admissions in the professional and technical colleges and post-graduate teaching departments more or less in proportion to their population in the province. 1.0 percent admissions to the professional and training colleges and post-graduate departments were shared by the other minorities. Eighty eight percent of admissions were monopolised by the Muslims. After the exodus, the least little of the advantage in the admissions to the professional and technical colleges and academic institutions for higher learning was lost the Hindus.

APPENDIX I

INSTRUMENT OF ACCESSION

Whereas the Indian independence Act, 1947, provides that as from the fifteenth day of August 1947, there shall be put up an Independent Dominion known as India, and that the Government of India Act, 1935, shall, with such ommissions, additions adaptations and modifications as the Governor-General may by order specify be applicable to the Dominion of India and where as the Government of Act 1935 as so adopted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof :

Now, therefore,

I, Shriman Indar Mahandar Rajrajeshwar Maharajadhiraj Shri Hari Singhji, Jammu Kashmir Naresh Tatha Tibbet adi Deshadhipathi, Ruler of Jammu and Kashmir State, in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purpose only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or Under the Government of India Act, 1935 as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force in hereafter referred to as "the Act")

2. I hereby assume the obligation of ensuring that the due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the governor-General and the Ruler of this state whereby any function in relation to the

administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or in default of agreement determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors. Given under my hand this twenty-sixth day of October, nineteen hundred and forty-seven.

Hari Singh Maharajadhiraj of Jammu and Kashmir Stat

Acceptance

I do hereby accept this Instrument of Accession. Dated this twenty-seventh day of October, nineteen hundred and forty-seven.

Mountbatten of Burma Governor-General of India.

APPENDIX II

SUMMARY OF ASSURANCES GIVEN TO INDIA BY UNITED NATIONS COMMISSION DURING THE COURSE OF DISCUSSIONS AND CORRESPONDENCE

(i) Responsibility for the security of the State of Jammu and Kashmir rests with the Government of India.

(ii) The sovereignty of Jammu and Kashmir Government over the entire territory of the State shall not be brought into question.

(iii) There shall be no recognition of the so-called Azad (Free) Kashmir Government.

(iv) The territory occupied by Pakistan shall not be consolidated to the disadvantage of the State of Jammu and Kashmir.

(v) The administration of the evacuated areas in the north shall revert to the Government of Jammu and Kashmir and its defence to the Government of India who will, if necessary, maintain garrisons for preventing the incursion of tribesmen, and for guarding the main trade routes.

(vi) Pakistan shall be excluded from all afairs of Jammu and Kashmir in particular in the plebiscite, if one should be held.

(vii) If a plebiscite is found to be impossible for technical or practical reasons, the Commission will consider other methods of determining fair and equitable conditions for ensuring a free expression of the people's will.

(viii) Plebiscite proposals shall not be binding upon India if Pakistan does not implement Parts I and II of the resolution of 13 August, 1948.

APPENDIX III

SHIMLA AGREEMENT

AGREEMENT ON BILATERAL RELATIONS BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF PAKISTAN

(I.) The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations, and work for the promotion of a friendly and harmonious relationship and the establishment of

durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective, the Government of India and the Government of Pakistan agreed as follows :

1. That the principles and purposes of the character of the United Nations shall govern and relations between the two countries.

2. That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means agreed upon between them. Pending the final settlement of any of the problems between the two countries neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintaince of peaceful and harmonious relations.

3. That the prerequisite for reconciliation, good neighbourliness and durable peace between them is commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefits.

4. That the basic issues and causes of conflicts which have bedevilled the relations between the two countries for the last twenty-five years shall be resolved by peaceful means.

5. That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality.

6. That in accordance with the Charter of the United Nations they will refrain from the threat or use of force against the territorial intergrity, political independence of each other.

(II) Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of sudh information as would promote the development of friendly solution between them.

(III) In order to progressively restore and normalise relations between the two countries step by step it was agreed :

(a) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts and air links including overflights;

(b) Appropriate steps shall be taken to promote travel facilities, for the nationals of other country;

(c) Trade and co-operation in economic and other agreed fields will be resumed as far as possible;

(d) Exchange in the fields of science and culture will be promoted.

(IV) In order to initiate the process of the establishment of durable peace, both the Governments agreed that ;

(i) Indian and Pakistani forces shall be withdrawn to their side of the international border;

(ii) In Jammu and Kashmir, the line of control resulting from the ceasefire of Decemeber 17, 1971—shall be respected by either side. Neither side shall seek to alter it immediately, irrespective of mutual difference and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.

(iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of thirty days.

(V) This agreement shall subject to satisfaction by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date which the instruments of ratification are exchanged.

(VI) Both Governments agree that their respective heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishement of durable peace and normalisation of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

Indira Gandhi

Prime Minister, Republic of India

Zulfikar Ali Bhutto

President Pakistan

Appendix–IV

Solemn Pledge to the people of Jammu and Kashmir Liberation Front 1979-80 convention, Muzaffarabad, Azad Kashmir.

1. Military objectives of the Jammu and Kashmir Liberation Front:

(a) Raising of the liberation army of the Muslims to launch the armed struggle for the liberation of Kashmir from the Indian occupation;

(b) Training of Muslim youth and students in Azad Kashmir and Pakistan and procuring of arms for the liberation army;

(c) Preparation of the Muslim youth and students in Kashmir occupied by India, for their participation in the armed struggle against Indian imperiliasm, imparting military traning to them, providing arms to them and establishing a unified command to lead the armed struggle;

(d) Drawing up a strategy to establish necessary communication network in the occupied Kashmir;

(e) Organising the forces, which are at present fighting for the liberation of Kashmir into a united front to ensure the participation of Muslim masses in the armed struggle;

(f) Building military pressure on Indian defence forces in order to force the Governmnet of India to implement the resolution of the United Nations and ensure the realisation of the dream of the Muslims in Kashmir to decide their own destiny.

2. Political objectives of the Jammu and Kashmir Liberation Front

India grabbed Kashmir by fraud and force in 1947, when the sons of the soil and the followers of religious injunction rose in revolt against the rapacious and oppressive rule of the Hindu ruler, who was conspiring with the Hindu communalists to accede to India against the wishes of the predominant Muslim majority population of the State. The Riyasat of Jammu and Kashmir is geographically a part of Pakistan, its rivers flow into this land of the pious and its people are an inseparable part of the Muslim nation of Pakistan. Kashmir is a Muslim State and the aspirations of the Muslims are linked with the attainment of Nizam-i-Mustafa (Islamic Governance) in its length and breadh so that the Muslims live in peace and brotherhood under the canopy of

Islam. We are committed to the ideology of Islam. Our aim is the realisation of Islamic way of life. We do not contribute to any other ideology. The goal to be achieved is :

(a) Unification of the two parts of Kashmir, by demolishing the artificial dividing line created by the presence of the armies of Indian occupation;

(b) Self-determination for the people to decide the future of the State.

Appendix–V

Hizib- ul- Islam (Hand out) 1990*

Islam is our aim; Quran is our constitution. Jehad is our path; war till victory. God is great-the war cry of Hizib is, Allah a- Akbar; the cry of Hizib-ul-Islam, take heed India.

1. Muslim brotherhood in Kashmir has risen in arms against the userpers of its freedom, which has been snatched in 1947, and ever since. The Muslims have now taken to arms to free themselves from slavery, Muslim youth in the cities and towns and in the villages are to receive training in the use of arms to engage the Indian security forces.

2. There is no going back after the armed struggle begins. The Jehad is invincible. We demand our right to freedom, which has been recognised by the United Nations Organisation in 1947, and the British Governemnt, which ruled India then.

3. An all round attack has to be launched on the State administration which has run the Indian colonial administrative machine in the State, the Indian security forces, at whose hands thousands of Mujahids have attained martrydon and the enemies of the freedom of the Muslim brotherhood in Kashmir.

4. Muslim brotherhood of Kashmir is an integral part of the Umat-e-Islami, the Muslim nation of the world, which can no more be divided by any boundaries. There is no boundary between Kashmir and the Muslim Commonwealth of Pakistan, except that imposed by Indian imposters which at present divides the Muslims of Kashmir.

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* Translated from Urdu.

5 Traitors to the cause of Islam will alone shirk the responsibility to serve the cause of Islam and they will receive the punishment that they ought to be given. All servants of Allah are enjoined to do whatever is in their power to wreck the government from inside and outside, harass, demoralise and destroy Indian security personnel, eliminate the enemies of the revolution, propagate Muslim Law and Muslim code of life, which is supreme law in Kashmir and participate in mass resistance to Indian oppression.

The community of Pandits, in Kashmir, which has in it the treacherous agents of India, has no option other than submit to the law of Islam as the supreme law of Islam in Kashmir or leave Kashmir.

7. Our Youth is prepared to fight the Indian military with the support of the great Islamic Mujahidin of Palestine and Afghanistan, they will achieve victory and liberate the Muslims here from the clutches of an oppressive and crafty userper. Muslims have always fought for freedom and won it.

Jehad is victorious

Appendix–VI

Accession on Trial *

O, the Community, Quam of the Muslims of Kashmir, for how long more you will live the life of subservant slaves. The massive cinema houses and places of enjoyment where nude women perform dances, the wine-shops, which are open in every street, the public places where pleasures of a perverted society are available and where men and women revel in debauchery, the colleges and schools; every thing reflects the degradation into which your culture is being pushed.

Now who have reduced your civilisation to dust, polluted the soil of your youth? Who have dug the roots of yours religion?

How long, will you, O Muslims allow yourself to be put to slumber on false hopes and promises. How long will you submit to be used for the satisfaction of personal and selfishends of power-brokers?

Do you want to wait and see your mosques being converted into public places, as it happened in Afganistan, for the infidels to use them?

*Mukadima-Ilhaq-Translated from Urdu

You know, so well; who your enemies are; who have enslaved you for years; who have snatched away your freedom and your land. You know, who want to destroy your culture, who want to grab your country and who want to destroy your faith.

Your enemies, who have robbed your freedom, are bent upon to destroy your identity and faith. They are, now, arranged massively against you with their army and weaponry. If you do not take the warning, you must realise that the history of Muradabad will be re-enacted here in your land. Like the land of Bhiwande, Chaibasa, Aligarh, Hyderabad, Jabbalpur and Assam, your nativeland will also be dyed with your blood. You are fighting an imperial power which, with its Brahmanic outlook is creating troubles for you every day.

If you do not realise your plight

Appendix VII

(1)

WIRELESS MESSAGE

To:SSP-Jammu LB No. 13, Police Control Room Srinagar

25-6-1990

Please contact Shri Makhan Lal Sumbli House No. 28, Bhagwati Nagar and inform him about the death of Som Nath S/O. Shri Lass Kaul and Chaman Lal S/O. Shyam Lal R/O. Patlipora Bala, Chattabal Srinagar, the above dead bodies were lying unidentified at Ali-Jan Road.

Signature of Officer 1920 T.O.R

S.P. Police Control Room 25/6

Message received through Mohamad Akbar SI Police Control, Srinagar.

(2)

WIRELESS MESSAGE

Police Control Room-Srinagar to

Police Control Room-Jammu

Log No 6-C Dated 12-10-1991.

Two dead bodies received on 9th instant have been identified as Ramesh Kumar and Mohan Lal R/O, Your Khoshi pura Qazigund the enquiries conducted by the concerned SHO revealed that the deceased had migrated to Jammu in 1990 and had come back to the Valley two months back they were alleged to have received training in R.S.S. Camp Ludhiana and were working against Tehriq-Hurriat Kashmir as per a chit recovered from the pockets of Romesh Kumar.

Sd. D.O
PCR-Jammu

Appendix VIII

Memorandum

We were deciding when and how to shift Jammu on 8th of July 1990. At about 11 P.M., when somebody knocked at our home. Firstly, we did not respond but due to strong knocking at door, we opened the door and saw four masked militants armed with sophisticated weapons. As we saw them all of us shrank in a corner of the room with pale faces. Soon one of them caught arm of my brother, late Shiban Lal Koul and told him to come out of house for a few secret talks. We felt what they really want to do from Shiban Lal. We requested them, we prayed them, even bowed before their feet to pardon our son but all this fell on blind eyes and deaf years of the militants. At last they succeeded in kidnapping him to some unknown place. All the night we spent in weeping and crying out. No Muslim, no neighbour came to participate in our grief.

Next day we found the dead body of my brother near Kunzer nallah. All the strong parts of the body were broken mercilessly. Legs were isolated from the rest of the body and blood and rice was coming out from the mouth. The whool body of the victim was bullet ridden. My brother Shiban Lal is survived by his widow wife Smt. Usha Paul 27 years and a little daughter Simpy 7 months. Next day we migrated to Jammu without any belongings.

Bushan Lal Koul
Brother of Sh. Shiban Lal Koul

R/O. Bongam, Kunzar,
Teh. Tangmarg.

Appendix IX

Hizib- ul- Mujahidin

Ultimatum to Kashmiri Pandits to leave Kashmir in two days.
Published in Al-safa 14 April, 1990.

Pandits, responsible for having perpeterated oppression and atrocity on the Muslims should quit in two days.

A spokesman of Hizib-ul-Mujahidin has stated that in a meeting of its Area Commanders, held yesterday, a decision was taken to give an ultimatum to the Kashmiri Pandits to leave Kashmir in two days. The spokesman said that all Pandits of Jammu and Kashmir should leave from here in two days. According to the spokesman behind the oppression and persecution of the Muslims, Pandits have a hand. He said that all the Pandits have become the instruments of Indian imperialism. He said that Pandits have received training in arms outside the valley and have drawn up plans to forment disturbances of a serious nature. He said that the Area Commanders feel that the Pandits have a hand in the recent arrest of Mujahidin as well as the raids on their quarters. The spokesman said that the oppression against the Muslims is unleashed by them.

(2)

Sermon broadcast on the public Address*
system of the Mosques in Srinagar

27-28 January 1990

(Extracts)

The aim of the Jehad is Azadi and it is enjoined by Almighty on all followers of Tauheed to participate in the Jehad. The crusade is for the establishment of Kashmir into an Islamic society. The herities can only live in Islamic society if they accept the Islamic laws. The non-Muslims, have always helped the userpers from outside to enslave the Muslim masses in Kashmir. For them therefore, the only way is to quit this "pak sarzameen", the sacred land.

* Translated from Urdu..

* Interview recorded in Jammu and translated

We have always protected the non-Muslims and they have always indulged in espionage. Now they are bewildered because the day of reckoning is on their head.

Appendix X

Interview : Smt. Somevati Bhat

District: Anantnag

Extracts

The damger to our lives lurked in the air. From the begining of Poh Mas fear had gripped our families in the village. We received information that the Muslims were preparing for a "Jung" (war) with India and they were backed by Pakistan. There was no doubt in our mind that we were listed by the armed men as the enemies of their movement. Since we were Indians we were always considered to be enemies.

Let their be no misunderstanding about it. If any body among us tells you that their "Jung" (war) was not aimed at us, he is lying. It was always so, for many, many years in the past.

We could see the change in the attitude of our Muslim neighbours. A reserve had descended upon them ; they watched us with suspicion, something which we had not experienced before. Their demeanour towards us was cold and hostile.

We received the news that many of the Kashmiri Pandits were killed in Srinagar and other towns. My husband, his mother, myself, my son and daughters talked about the danger to our lives. We come to know from the other Pandit families that they were also apprehensive of trouble and danger to their life. There were three Hindu families, other than Kashmiri Pandits living in the village. They had left before the Poh Mas set in.

One day, when it was very cold, commotion spread in the village towards the midday and increased as the evening drew near. Late in the evening, there was a call on the "megaphone", public address system of the Mosque, calling the Muslims to assemble in the enclosure of the mosque. Our Muslim neighbours, as if convulsed into hysteria rushed out of the lanes and the bye-lanes towards the enclosure of the mosque. They raised several slogans. One very common slogam was "Hum Kya

Chahite-Azadi''. They cried, "We want freedom'' This slogan was oftenly repeated. There were other slogans also.

We felt fearful that the mobs would attack us. The next day we learnt that brickbats were pelted on two houses belonging to Pandits.

Two days after, a contingent of CRP arrived in the village. The CRP patrolled the main street and several lanes We did not contact them, lest it aroused the suspicion of our neighbours. CRP established a police post near the turn of the street.

One day after 26 January, we received information that Pandit men had been asked to present themselves in the mosque enclosure on the morning of Friday. That day two Pandits of the Pandit families in the village were beaten in the main street, on the charge of moving in the street suspiciously and spying for CRP. No one intervened on their behalf. They ran back and hid themselves in their homes. The same night the house of one of them, Tika Lal was set ablaze. He escaped with his family to another village and from there evacuated to Jammu.

The following night we left our home in the early hours of the morning headed straight for a nearby village, where my brother lived. We found him and his family stunned.

He took us to a CRP picket established near his village.

After an hour or so we reached the main road. There we were put in a truck which was carrying a refugee family from Srinagar to Jammu. As we boarded the truck, the passengers in the truck, their colour turned blue by cold and fear, made some place for us. When the truck sped away, I realised that we had left every thing behind us. I turned to my husband and asked him what would happen to the temple of Shiv in the village. He looked blankly at me.

Appendix XI

Indo-American Kashmir Forum

Fact File I

* Kashmir valley is about 16 percent of the area of the Indian Jammu and Kashmir State. It is only about 7 percent of the original J&K State. 35 percent of which is now occupied by Pakistan and 17 percent occupied by China.
* In the Indian J&K State, Kashmir is the only region of the three (Kashmir, Jammu, Ladakh) that has a Muslim majority.

* Ethnically, Kashmiri Muslims are different from the Muslims residing in Jammu and Ladakh divisions.

* The population of the Kashmiri Valley is just over half of the population of the J&K State.

* Even if all the Kashmiri Muslims should demand freedom (and this is certainly not true as evidenced by many Muslims that have fled the Valley) the question arises whether a region, one-sixth of the total area of the State, and just half the population should be allowed to force its choice on the remaining five sixth of the State.

* To see this problem in the American context, would it be right for the entire State of Michigan to be granted independence if the African Americans of the greater Detroit region should agitate for it? Contrariwise should just Detroit be granted independence if the African Americans of the city start a violent campaign for it.

* If one should argue that Detroit is isolated from other African-American communities, unlike Kashmir which has the Islamic nation of Pakistan next to it, then one can furnish the example of the Miami, and allow it to become a part of a greater Cuba just because it has a Hispanic majority?

* The campaign by the militants in Kashmir is a fundamentalist Islamic movement that has been ruthless in killing of members of the minority communities in a random fashion. As a result more than 250,000 Kashmiri Hindus and Sikhs have been forced to take refuge out of the Valley. Is not terrorism against unarmed civilizans a crime against humanity? Had the movement been a genuine freedom movement, it would have sought to associate all Kashmiris, irrespective of other religions, in a political dialogue with the Government of India.

Appendix XII

22 May 1992
Mr Harris Van Beek
National Director
Amnesty International Australia

Private Bag 23
BROADWAY NSW 2007

Dear Mr Beek.

The main purpose of my letter is to discuss some important issues related to human rights in Kashmir. Much publicity has been given to alleged human rights abuses by the security forces. Very little has been said by Amnesty International about the widespread abuses of human rights by the various terrorist or paramilitary groups now operating in the Kashmir Valley. They have a variety of names and many groups swear allegiance or loyality to groups with similar names and aims in the middle east (e.g. Lebanon, Iran, Afghanistan, Pakistan etc). In the early stages of the conflict these groups claimed that they represented the true voice of the people in the Valley. However, their aim and designs were different. A whole community— the Kashmiri Pandits- have been forced out of the Kashmir Valley and have become homeless. Killings, torture and kidnapping by these terrorist groups have continued during the last three years. Kashmiri Pandits want to return to their homes but cannot do so because of continued terror. Ordinary, Kashmiri Muslims (the majority community) also have lost their human rights. They are obliged to do the bidding of the terrorists. They are continually subject to extortion and, their freedom of movement expression and assembly is curtailed by these terrorist groups. Yet, it is strange and even dangerous that organisations and groups of high international stature and recognised impartiality (such as yours) feel very hesitant to condemn the behaviour of these terrorist groups and individuals. Rather than doing this, attention is diverted by repeating the allegations of terrorists. Some abuses the security forces may be occuring in retaliation to the attacks on them by these paramilitary groups. Most people will be ready to condemn the excesses by the security forces where and when they occur. However, far greater condemnation is now required of the Chaos caused by the terrorists groups, the homelessness of Kashmiri Pandits and destruction of the way of life they have established over centuries.

Yours very Sincerely,

Robin Chowdhury